

DESK REFERENCE



**ON-THE-JOB TRAINING/
SUPPORTIVE SERVICES
IN THE FEDERAL-AID
HIGHWAY PROGRAM**

ON-THE-JOB TRAINING/SUPPORTIVE SERVICES

Table of Contents

1

INTRODUCTION

Page

- A. History
- B. Opportunities & Needs for Workers
- C. On-the-Job Training & Supportive Services
- D. Projects Eligible for OJT/SS Funds
- E. Authorization for OJT
- F. Responsibility of State Transportation Agencies
- G. OJT/SS Funds and Welfare-to-Work Programs
- H. Partnerships
- I. Funding Requirements
- J. Unsolicited Proposals

1-1

2

CHAPTER I-Implementation

- I. On-the-Job Training/Supportive Services (OJT/SS) Funding Requests 2 - 1
- II. Minority Institutions of Higher Education (MIHEs) Proposals (including unsolicited proposals by MIHEs) 2 - 3
- III. Minority Institutions of Higher Education (MIHE) Potential Funding Categories 2 - 5
- IV. Educational Initiatives 2 - 7
- V. Statement of Work (SOW) 2 - 9

- SOW Attachments 2 - 25

3

CHAPTER II-Documentation

- I. Minority Institutions of Higher Education Educational Initiative Proposal Evaluation Sheet 3 - 1
- II. OJT/SS Performance-Based Result-Oriented Achievement Worksheet 3 - 7
- III. OJT/SS Statement of Work Evaluation Sheet 3 - 19
- IV. OJT/SS Statement of Work Checklist 3 - 25
- V. On-the-Job Training/Supportive Services Statement of Work 3 - 29

4

APPENDICES

**See next page for detailed listing of Appendices*

	<i>Page</i>
A. On-the-Job Training/Supportive Services Technical Assistance Tool	4 - A
B. Considerations in the Federal-aid Highway Program	4 - B
C. Selected Authorities & Guidance	4 - C
Authorities	
23 CFR 230	
- Section 230.113	4 - C - 5
- Section 230.117(b)	4 - C - 9
- Section 230.117(2)	4 - C - 10
- Section 230.119	4 - C - 11
- Section 230.121(e)	4 - C - 11
23 USC 140 (b)	4 - C - 57
SAFETEA-LU - Safe, Accountable, Flexible, Efficient Transportation Equity Act: A Legacy for Users	
- Public Law 109-59, 119 Stat. 1144 (2005)	
Section 1920- <i>“Transportation and Local Workforce Investment”</i>	4 - C - 59
- SAFETEA-LU’s effect on TEA-21	4 - C - 60
- Section 5204 – <i>“Surface Transportation Workforce Development Training and Education”</i>	4 - C - 60
D. Relevant Executive Orders	4 - D
EXECUTIVE ORDERS	
- 13216 – Asian Americans and Pacific Islanders	4 - D - 3
- 13230 – Educational Excellence for Hispanic Americans (HIS)	4 - D - 5
- 13256 – Historically Black Colleges and Universities (HBCU)	4 - D - 9
- 13270 – Tribal Colleges and Universities (TCU)	4 - D - 13

INTRODUCTION

Introduction

A. History¹

American society continues to change and make important strides towards becoming a nation where all of its citizens have equal opportunities. Within the area of construction and trade employment, several important laws have been passed to improve workforce equality, including Title VII of the Civil Rights Act of 1964, which opened full participation for African American males within the trade industries, Title IX (1972)² which opened female participation in high school shop classes and Executive Order 11246 (1978), which enabled women to participate in apprenticeship programs.

In conjunction with these important Federal laws, Federal Highway Administration (FHWA) regulations have also focused on improving workforce equality. The first FHWA regulation to address equal employment opportunity in the external workforce was introduced in 1975 under Title 23, Code of Federal Regulations, Highways, Part 230.³ This regulation addresses special requirements for on-the-job training as well as supportive services that support such training programs. Supportive services including, but not limited to, counseling, recruiting, transportation, physical examinations and remedial training are available, subject to the availability of Federal funds.⁴

In addition, these regulations target supportive services that “increase the effectiveness of approved on-the-job training programs, particularly their effectiveness in providing meaningful training opportunities for minorities, women, and the disadvantaged on Federal-Aid highway projects.”⁵ Minorities, women and disadvantaged individuals continue to be under-represented in the highway construction industry and therefore, targeted recruitment is necessary in order to achieve a more equal and diverse workforce.

¹See Solutions for an Emerging Workforce: Strategies for recruiting, training, hiring, retaining and advancing youth of color and women in the highway construction trades, Western States Regional Summit on Youth of Color and Women in the Highway Construction Trades Project, White Paper 2/6/2005 p.7.

²Title IX of the Education Amendments of 1972, commonly known as Title IX, is a 37-word law enacted on June 23, 1972 that states: “No person in the United States shall, on the basis of sex, be excluded from participation in, be denied the benefits of, or be subjected to discrimination under any education program or activity receiving Federal financial assistance.” 20 U.S.C. § 1681.

³See 23 CFR 230.11 *Implementation of special requirements for the provision of on-the-job training* at http://ecfr.gpoaccess.gov/cgi/t/text/text-idx?c=ecfr;sid=f09033b9_a2012c46b92e5a5cab4d84d0;rgn=div8;view=text;node=23%3A1.0.1.3.8.1.1.6;idno=23;cc=ecfr; 23 CFR 230.113 *Implementation of supportive services* at <http://ecfr.gpoaccess.gov/cgi/t/text/text-idx?c=ecfr;sid=f09033b9a2012c46b92e5a5cab4d84d0;rgn=div8;view=text;no de=23%3A1.0.1.3.8.1.1.7;idno=23;cc=ecfr>.

⁴*Id.*

⁵See 23 CFR Ch. 1 § 230.113 (f)(1) as revised as of April 1, 2006.

“Historical exclusions from the trades because of past discriminatory practices means a community culture that remembers family stories of exclusion and discrimination, and tells young people of color that the trades are not welcoming to them. Traditional thinking about the occupations most appropriate for women remains, despite the now 26 years of women successfully working at trades occupations.⁶ Many studies show that targeted recruitment is necessary to draw diverse candidates when an occupation or field has been underrepresented.”⁷

B. Opportunities & Needs for Workers

Transportation and construction technology jobs are among the best-paying jobs in America.⁸ According to the Department of Labor’s 2006 Bureau of Statistics Career Guide to Industries, job opportunities in the construction industry are continuing to grow with an expected increase of 11 percent through the year 2014.⁹

This need for construction industry employees is due to the anticipated number of retiring workers over the next decade as well as the limited number of skilled workers available in this field.¹⁰ Despite the economic benefits and the market for workers, in many parts of the nation, minorities, women, and disadvantaged individuals continue to be under-represented in the industry as compared to their representation in the same or similar jobs within the civilian labor force.¹¹

Since 1971, the FHWA OJT program has required State Transportation Agencies (STAs) to establish apprenticeship and training programs that target under-represented segments of the U.S. work force, including minorities, women, and disadvantaged individuals.¹² While these training and apprenticeship programs have helped bring thousands of new faces into the industry, creative OJT/SS programs can enhance both training and retention of well-qualified employees; and meet the needs of trainees, employers, and the industry at-large.¹³

C. On-the Job Training Supportive Services

On-the-Job Training Supportive Services (OJT/SS) is a program of the FHWA, that assists STAs in the development and enhancement of their job training, and apprenticeship programs using Federal assisted funds.¹⁴ OJT/SS complements the FHWA On-the-Job Training (OJT) Program and was created to increase the pool of qualified minorities, women, and disadvantaged individuals in the highway construction industry.¹⁵

⁶See Solutions for an Emerging Workforce: Strategies for recruiting, training, hiring, retaining and advancing youth of color and women in the highway construction trades, Western States Regional Summit on Youth of Color and Women in the Highway Construction Trades Project, White Paper 2/6/2005 p.17 (noting that “according to a study by the National Women’s Law Center, the pervasive sex segregation of female students into traditionally female programs severely compromises their future earning power. For example, cosmetologists earn a median salary of \$8.49 and childcare workers earn a median hourly salary of \$7.43. In contrast, students in the predominantly male, higher-wage careers can expect to earn median hourly salaries of an average of at least \$20 as plumbers, electricians or mechanical drafters.”).

⁷*Id.* at 7, 17 (Reporting 2005 Western States Regional Summit focus group’s finding that targeted recruitment is necessary “[b]ecause of historical exclusions and societal stereotypes, youth of color and female youth need to be actively, directly, and extensively recruited into training opportunities for the trades.”), see also Moving to Equity: Addressing inequitable effects of transportation policies on minorities by Thomas W. Sanchez, Rich Stolz, and Jacinta S. Ma, A joint report of the Center for Community Change and the Civil Rights Project Harvard University, 2003, p.28 (reporting that the 2001 U.S. Bureau of Labor Statistics and the 2000 census data “indicate that women and African Americans are clearly underrepresented in the construction industry.”).

⁸See Department of Labor, Bureau of Statistics, Career Guide to Industries, Construction Industry p.1, 15 <http://www.bls.gov/oco/cgs003.htm> (citing “earnings in construction are higher than the average for all industries”, with the average construction hourly wage at \$19.23 in 2004).

⁹*Id.* at 12 (noting that the construction industry is expected to grow about 11 percent as “compared with the 14 percent projected for all industries combined”).

¹⁰*Id.*

¹¹See U.S. Department of Transportation, Federal Highway Administration, Publication No: FHWA-CR-98-002, HCR-20/8-98 (IM) E, p. 2.

¹²*Id.* at 3.

¹³*Id.*

¹⁴*Id.* at 2.

¹⁵*Id.*

D. Projects Eligible for OJT/SS Funding

The types of projects eligible for OJT/SS funding include: recruitment, skills training, job placement, child care, outreach, transportation to work sites, post-graduation follow-up, job site mentoring, pre-employment assessment, mediation, and pre-and post-employment counseling.¹⁶ Each supportive service program or activity should be linked to a Federal-aid highway construction project to the maximum possible.

E. Authorization for OJT/SS Funding

OJT/SS funding is authorized under the Safe, Accountable, Flexible, Efficient Transportation Equity Act: A Legacy for Users (SAFETEA-LU) law.¹⁷ SAFETEA-LU provides funding for five core Federal-Aid highway programs including: the Surface Transportation Program (STP), the National Highway System (NHS), the Inter-State Maintenance Program (IM), the Bridge Program (Bridge), and the Congestion Mitigation and Air Quality Improvement Program (CMAQ).¹⁸

Under SAFETEA-LU §5204¹⁹, subject to project approval by the Secretary, States may authorize funds apportioned to the State for five primary core programs (STP²⁰, NHS²¹, Bridge²², IM²³, CMAQ²⁴), workforce development, training, and education, including student internships; university or community college support; and outreach to develop interest and promote participation in surface transportation careers.²⁵

Under SAFETEA-LU §5204(e) titled, Surface Transportation Workforce Development Training and Education, States may obligate “100% Federal funding if the core program (STP, NHS, Bridge, IM, CMAQ) funds are used for training, education, or workforce development purposes, including “pipeline” activities. If used for these purposes, it is not necessary for the State to match the Federal funds.”²⁶

¹⁶*Id.*

¹⁷Binder, Susan J., *The Straight Scoop on SAFETEA-LU*, U.S. Department of Transportation, Federal Highway Administration, Public Roads, March/April 2006 pp. 2-3, http://www.tfhr.gov/pubrds/06_mar/01.htm (reporting that SAFETEA-LU was signed into law on August 10, 2005, 22 months after its precursor, the Transportation Equity Act for the 21st Century (TEA-21), expired; SAFETEA-LU authorized \$193.6 billion dollars in funding for Federal-aid highways over fiscal years (FY) 2005-2009).

¹⁸*Id.* at 2 (explaining SAFETEA-LU passage into law on August 10, 2005 SAFETEA-LU authorized \$193.6 billion dollars in funding for Federal-aid highways over fiscal years (FY) 2005-2009).

¹⁹See U.S. Department of Transportation, Federal Highway Administration, document *SAFETEA-LU: Key SAFETEA-LU provisions related to civil rights*, p.3 (explaining that prior to SAFETEA-LU's passage, States were allowed to draw down up to ½ of 1% of Surface Transportation Programs and Highway Bridge Replacement and Rehabilitation funds for training; however, in addition to the ½ of 1%, States can now use up to 100% of such funds for workforce development purposes).

²⁰*Id.*(explaining the **Surface Transportation Program** which provides flexible funding that may be used by States and localities for projects on any Federal-aid highway, including the NHS, bridge projects on any public road, transit capital projects, and intracity and intercity bus terminals and facilities).

²¹*Id.* (explaining the **National Highway System Program** which provides funding for improvements to rural and urban roads that are part of the National Highway System, including the Interstate System and designated connections to major intermodal terminals. Under certain circumstances, NHS funds may also be used to fund transit improvements in NHW corridors.

²²*Id.* (explaining the **Highway Bridge Program** provides funding to enable States to improve the condition of their highway bridges through replacement, rehabilitation, and systematic preventive maintenance.

²³*Id.* (explaining the **Interstate Maintenance Program** provides funding for resurfacing, restoring, rehabilitation, and reconstructing (4R) most routes on the Interstate System.

²⁴*Id.* (explaining the **Congestion Mitigation and Air Quality Improvement Program** provides funding for projects and programs in air quality nonattainment and maintenance areas for ozone, carbon monoxide (CO), and particulate matter (PM-10, PM-2.5) which reduce transportation related emissions. [23 USC 149(a)].

²⁵See U.S. Department of Transportation, Federal Highway Administration, document *SAFETEA-LU: Key SAFETEA-LU provisions related to civil rights*, p.3.

²⁶See U.S. Department of Transportation, Federal Highway Administration, document *SAFETEA-LU: Key SAFETEA-LU provisions related to civil rights*, p.3; See “Guidance for Use of Federal Aid State Core Program Funds for Training, Education, and Workforce Development, SAFETEA-LU Section 5204(e), Questions and Answers,” issued by the Office of Professional and Corporate Development, January 11, 2006.

Training and development is defined as “activities associated with surface transportation career awareness, student transportation career preparation, and training and professional development for surface transportation workers, including activities for women and minorities.”²⁷

“**Pipeline**” programs include, but are not limited to, various education and outreach-related activities, such as “student transportation related internships; cooperative education programs, university and college support activities, etc.”²⁸

FHWA Headquarters Office of Civil Rights (HCR) strongly encourages States to take advantage of the SAFETEA-LU provision allowing States to help fund the OJT/SS program.

F. Responsibility of State Transportation Agencies

STAs are responsible for establishing procedures subject to Federal regulations for the provision of supportive services in support of training programs.²⁹

G. OJT/SS Funds and Welfare-to-Work Programs

OJT/SS funds can be used to provide essential services needed to integrate former welfare recipients into the workforce.³⁰ Because highway construction skills are transferable to the building industry, experience in these fields can help former welfare recipients discover paths toward financial independence, and in some cases, eventual business ownership.³¹

H. Partnerships

Partnerships between non-profit organizations, State and Federal agencies, community-based organizations, minority institutions of higher education and private industry are highly encouraged.³² Partnerships provide needed services for the OJT-SS program and enable the program to use funds and resources efficiently. Partners may donate services or provide services at a discount enabling a stronger and more cost-effective OJT-SS program which benefits their community.

I. Funding Requirements

The amount of funds available for OJT/SS programs offered by FHWA has remained the same despite the increase in program costs and the increase in the number of States requesting funding. As a result, only those OJT/SS programs, showing the greatest potential for success and demonstrating continued success (refer to criteria for measuring success) will be approved.

STAs are required to submit a statement of work (SOW) in order to be considered for OJT/SS funding. No OJT/SS funds will be allocated until the Associate Administrator for Civil Rights at the FHWA Headquarters has approved the SOW.

²⁷As authorized in 23 USC 140(b); See U.S. Department of Transportation, Federal Highway Administration, document *SAFETEA-LU: Key SAFETEA-LU provisions related to civil rights*, (explaining that Section 23 USC 140(b) addresses services that support and enhance the effectiveness of on-the-job training programs),(explaining flexibility in funding use and specifically addressing individual programs).

²⁸*Id.*

²⁹See U.S. Department of Transportation, Federal Highway Administration, document *National On-the-Job Training Supportive Services (OJT/SS) Program* p. 2.

³⁰*Id.*

³¹*Id.*

³²*Id.*

The SOW is a contract between FHWA and the STA for the delivery of the STA's OJT/SS Program.³³ In order to demonstrate the potential for success, the STA must submit a detailed performance-based OJT/SS program, which demonstrates measurable results, linked to the needs of the participants.³⁴ The SOW must be signed and approved by a designated executive level official at the STA and the Division Administrator of Assistant Division Administrator prior to transmittal to the Associate Administrator for Civil Rights at FHWA.

J. Unsolicited Proposals

An unsolicited proposal is the formal means by which ideas are brought to the attention of FHWA, submitted in the hope that the Government will contract with the offeror for further research on, or development of, the ideas it contains.

The unsolicited proposal is written as an offer to perform a proposed task or effort that is innovative and unique, initiated and submitted to FHWA by a prospective contractor without a solicitation from FHWA, with the objective of obtaining a contract. The proposal generally presents ideas in sufficient detail to allow a determination that the proposed work could enhance, benefit, and provides valuable input to some area of FHWA responsibility.

The staff in FHWA Headquarters Office of Civil Rights is responsible for reviewing and evaluating unsolicited proposals submitted for the On-the-Job Training Supportive Services Program funding.

Instructions for submittal of unsolicited proposals can be found on the FHWA website at:
<http://www.fhwa.dot.gov/aaa/gtup.htm>.

³³ See U.S. Department of Transportation, Federal Highway Administration, Office of Civil Rights, On-the-Job Training Supportive Services (OJT/SS) Program, September 2006 p.4.

³⁴ *Id.*

Desk Reference Purpose

In an effort to improve the Federal Highway Administration's OJT/SS program, the Office of Civil Rights has undertaken various special initiatives to obtain input and feedback from its customers, partners, and stakeholders on the best approaches to meet the goals and objectives of this program. The information contained in this document represents the outcome of those efforts.

This document is designed to assist the Federal Highway Administration, the State Transportation Agencies, and other interested parties in developing, conducting, and administering a cost effective OJT/SS program that meets specific goals and objectives. The guidance included in this OJT/SS program document applies to the State Transportation Agencies, who administer a OJT/SS program with their own staff ("in-house"), as well as those State Transportation Agencies using an outside consultant to administer the program.

Policies and Procedures

The FHWA's policy is to require full utilization of all available training and skill improvement opportunities to assure increased participation of minority groups, disadvantaged persons and women in all phases of the highway construction industry. The FHWA also encourages State Transportation Agencies to utilize OJT supportive services funds to increase the effectiveness of approved on-the-job training programs conducted in connection with Federal-aid highway construction projects. This training is used to increase the participation of women and minorities in skilled and semi-skilled crafts and should result in journey-level employment status in the construction trades upon completion.

OJT/SS funding is authorized under the Safe, Accountable, Flexible, Efficient Transportation Equity Act: A Legacy for Users (SAFETEA-LU).

State Transportation Agencies are responsible for establishing procedures subject to federal regulations for the provision of supportive services in support of training programs.

The OJT/SS Desk Reference is in accordance with the guidance outlined in 23 Code of Federal Regulations (CFR) Part 230.111 and must be used when evaluating the STA OJT/SS Program.

The Desk Reference will guide the development, administration, and evaluation of both "in-house" OJT/SS programs (administered by STAs staff) and external OJT/SS programs (for example, programs administered by a consultant). The Desk Reference will also guide STAs in preparing accomplishment reports, requesting new funding, and requesting continued funding. All reports and requests submitted by STAs must include substantial documentation, as outlined in the Desk Reference, regarding processes, procedures, and results of the STAs OJT/SS program.

The Associate Administrator for Civil Rights at the FHWA Headquarters will allocate OJT/SS funds after the STAs OJT/SS Program Statement of Work has been reviewed and approved. Once approved by the Associate Administrator for Civil Rights, the STAs OJT/SS Program's Statement of Work will serve as a contract between the FHWA and the STA for the delivery of the STA's OJT/SS Program.

STAs requesting additional funding or continued funding for existing programs must include a report detailing how previously awarded OJT/SS funds have been used as well as the accomplishments to date for the existing OJT/SS program. The Associate Administrator for Civil Rights will review, evaluate, and confirm whether previous goals and objectives have been met before approving any additional or continued funding requests.

FUNDING REQUESTS

I. On-the-Job Training/Supportive Services (OJT/SS) Funding Requests

The OJT/SS funds can be requested to support five different types of funding initiatives including the following:

1. ***Highway Community Transportation Construction Projects***: Statements of Work addressing identified community transportation construction projects are submitted to FHWA for funding approval (refer to OJT/SS Statements of Work).
2. ***Supportive Services for State OJT Transportation Programs***: Statements of Work requesting supportive services (including training, child care, transportation, tools, etc.) for existing, continuing or newly created State Transportation OJT programs and based on a needs assessment (refer to OJT/SS Statements of Work).
3. ***Minority Institutions of Higher Education (MIHEs) Proposals (including unsolicited proposals by MIHEs)***: Proposals by MIHEs requesting funding for student internships, research projects, and scholarships promoting minority participation in transportation are submitted through the STAs and FHWA Division Offices to FHWA Headquarters Civil Rights (HCR) for funding approval. These initiatives are authorized by the following Presidential Executive Orders (EO): EO 13256 - President's Board of Advisors on Historically Black Colleges and Universities,¹ EO 13230 - President's Advisory Commission on Educational Excellence for Hispanic Americans,² EO 13270 - Tribal Colleges and Universities,³ EO 13216 –Increasing Opportunity and Improving Quality of Life of Asian Americans and Pacific Islanders; and EO 12928 - Promoting Procurement With Small Businesses Owned and Controlled by Socially and Economically Disadvantaged Individuals, Historically Black Colleges and Universities (HBCUs), and Minority Institutions.⁴ The OJT/SS program objective in compliance with these Executive Orders is to increase the participation of HBCUs and other MIHEs in all phases of FHWA Federal and Federal-aid programs with special emphasis on research and technology programs.
4. ***Unsolicited Proposals***: Unsolicited proposals are submitted and reviewed by the Office of Acquisition Management (HAAM). Unsolicited proposals are then sent to the appropriate Federal Highway Administration office for evaluation. If the unsolicited proposals received by HAAM relates to OJT/SS funding availability, it is then forwarded to the FHWA HCR for evaluation and funding approval.

¹ Executive Order 13256 –Historically Black Colleges and Universities (HBCU) provides for a structured effort to help HBCUs access to Federally-funded programs, to strengthen the capacity of HBCUs to provide quality education, to increase the participation of HBCUs in Federal programs and activities and to set annual procurement goals for awarding grants, contracts, and co-op agreements.

² Executive Order 13230 –Educational Excellence for Hispanic Americans provides for increasing opportunities for Hispanic Americans participation in and benefit from Federal educational programs and to enhance the capacity of Hispanic Serving Institutions (HSI) to educate the Latino community.

³ Executive Order 13270 –Tribal Colleges and Universities (TCUs) ensures that TCUs are fully recognized and establishes a mechanism for increasing TCUs access to Federal resources.

Executive Order 13216 –Asian Americans and Pacific Islanders-provides for increasing opportunity and improving quality of life for this targeted group.

⁴ Executive Order 13216 –Asian Americans and Pacific Islanders-provides for increasing opportunity and improving quality of life for this targeted group.

5. ***Educational Initiatives***: Proposals for programs providing career orientation and/or educational experiences promoting professions within the transportation field for youths. The use of MIHE facilities/staff in implementing these programs is encouraged. Proposals should be submitted to State Transportation Agencies for recommendation. Recommended proposals are then submitted to the FHWA Division Offices which are then forwarded to FHWA HCR for review and funding approval.

MIHE PROPOSALS

II. Minority Institutions of Higher Education (MIHEs) Proposals (including unsolicited proposals by MIHEs):

MIHEs are encouraged to submit proposals requesting funding for student internships, research projects, and scholarships promoting minority participation in transportation. Proposals should be sent to the State Transportation Agencies for review. Recommended proposals are then submitted to the Division Offices and are forwarded to the Federal Highway Administration Office of Civil Rights for final approval and funding.

Initiatives promoting the use of MIHEs are authorized under the following Presidential Executive Orders (EO): EO 13256 - President's Board of Advisors on Historically Black Colleges and Universities,⁵ EO 13230 - President's Advisory Commission on Educational Excellence for Hispanic Americans,⁶ EO 13270 - Tribal Colleges and Universities,⁷ EO 13216 - Increasing Opportunity and Improving Quality of Life of Asian Americans and Pacific Islanders; and EO 12928 - Promoting Procurement With Small Businesses Owned and Controlled by Socially and Economically Disadvantaged Individuals, Historically Black Colleges and Universities (HBCUs), and Minority Institutions.⁸ The OJT/SS program objective in compliance with these Executive Orders is to increase the participation of HBCUs and other MIHEs in all phases of FHWA Federal and Federal-aid programs with special emphasis on research and technology programs.

Examples of MIHE proposals include, but are not limited to, the following categories that resulted from agency transportation-related initiatives⁹ (see flow chart that follows):

- **Research and Development** –Studies, observations, and other activities concerned with the identification, description, experimental investigation, and theoretical explanation of social, physical, and behavioral phenomena as related to transportation.
- **Program Evaluation** –Actions to assess the effectiveness of institutional programs and activities as well as the effectiveness of Federal programs and activities as related to transportation.
- **Training** –Use of professional personnel (Federal and non-Federal) to gain or enhance transportation-related knowledge or skills of professional staff and personnel at HBCUs and other MIHEs.
- **Facilities and Equipment** –Structures, works, fixed equipment, major repairs, or alterations to: structures, works, fixed equipment, facilities, or land as related to transportation and for use by an institute of higher education.

⁵ Executive Order 13256 –Historically Black Colleges and Universities (HBCU) provides for a structured effort to help HBCUs access to Federally-funded programs, to strengthen the capacity of HBCUs to provide quality education, to increase the participation of HBCUs in Federal programs and activities and to set annual procurement goals for awarding grants, contracts, and co-op agreements.

⁶ Executive Order 13230 –Educational Excellence for Hispanic Americans –provides for increasing opportunities for Hispanic Americans participation in and benefit from Federal educational programs and to enhance the capacity of Hispanic Serving Institutions (HSIs) to educate the Latino community.

⁷ Executive Order 13270 –Tribal Colleges and Universities (TCUs) ensures that TCUs are fully recognized and establishes a mechanism for increasing TCUs access to Federal resources.

⁸ Executive Order 13216 –Asian Americans and Pacific Islanders-provides for increasing opportunity and improving quality of life for this targeted group.

⁹ See FHWA HCR document titled “Historically Black Colleges and Universities (HBCUs) and Other Minority Institutions of Higher Education (MIHEs) Program” presented at 2004 AASHTO National Transportation Civil Rights Conference, San Diego, California, September 6, 2004.

- ***Fellowships, Internships, Recruitment, Traineeships, and Arrangements under the Intergovernmental Personnel Act*** –Cooperative education, student and faculty internships, visiting professorships, and personnel and student recruitment for transportation-related activities at institutes of higher education (i.e., Dwight David Eisenhower Fellowships).
- ***Student Tuition Assistance, Scholarships, and Other Aid*** –Federal funds awarded to an institute of higher education for students enrolled in transportation disciplines or awarded directly to such students for payment of school related expenses including tuition and room and board.
- ***Direct Institutional Subsidies*** –Federal financial support to institutes of higher education for transportation-related education and general expenses where the Federal government either places no restrictions on the uses to which the funds may be put or provides a broad range of allowable activities within which the institution has discretion to use the funds.
- ***Third-Party Awards*** –Organizations or other entities receiving Federal awards on behalf of one or more HBCU or other MIHE as related to transportation.
- ***Private Sector Involvement*** –Includes public-private partnerships, alliances, joint ventures and activities of prime contractors/contracting with MIHEs for transportation-related activities.
- ***Administrative Infrastructure*** –Management and administrative framework of an institution of higher education as related to transportation disciplines.
- ***Other*** –Awards to institutes of higher education not identified in the above categories as related to transportation disciplines.

MIHE FUNDING CATEGORIES

III. Minority Institutions of Higher Education (MIHE) Potential Funding Categories



EDUCATIONAL INITIATIVES

IV. Educational Initiatives

The transportation industry will continue to require individuals who are prepared to provide leadership to build the nation's transportation system for the next century. To meet this exciting challenge, transportation professionals of tomorrow must be academically prepared and experienced in their field of study. In addition, the next generation of transportation professionals must be diverse, inclusive, and reflective of the national population. To that end, the United States Department of Transportation (USDOT) and the Federal Highway Administration (FHWA) established various educational initiatives to address a crucial workforce need for the transportation industry. With an unprecedented number of transportation employees who are eligible to retire or will soon become eligible to retire, this is a great opportunity to prepare youth for future transportation and transportation-related careers.

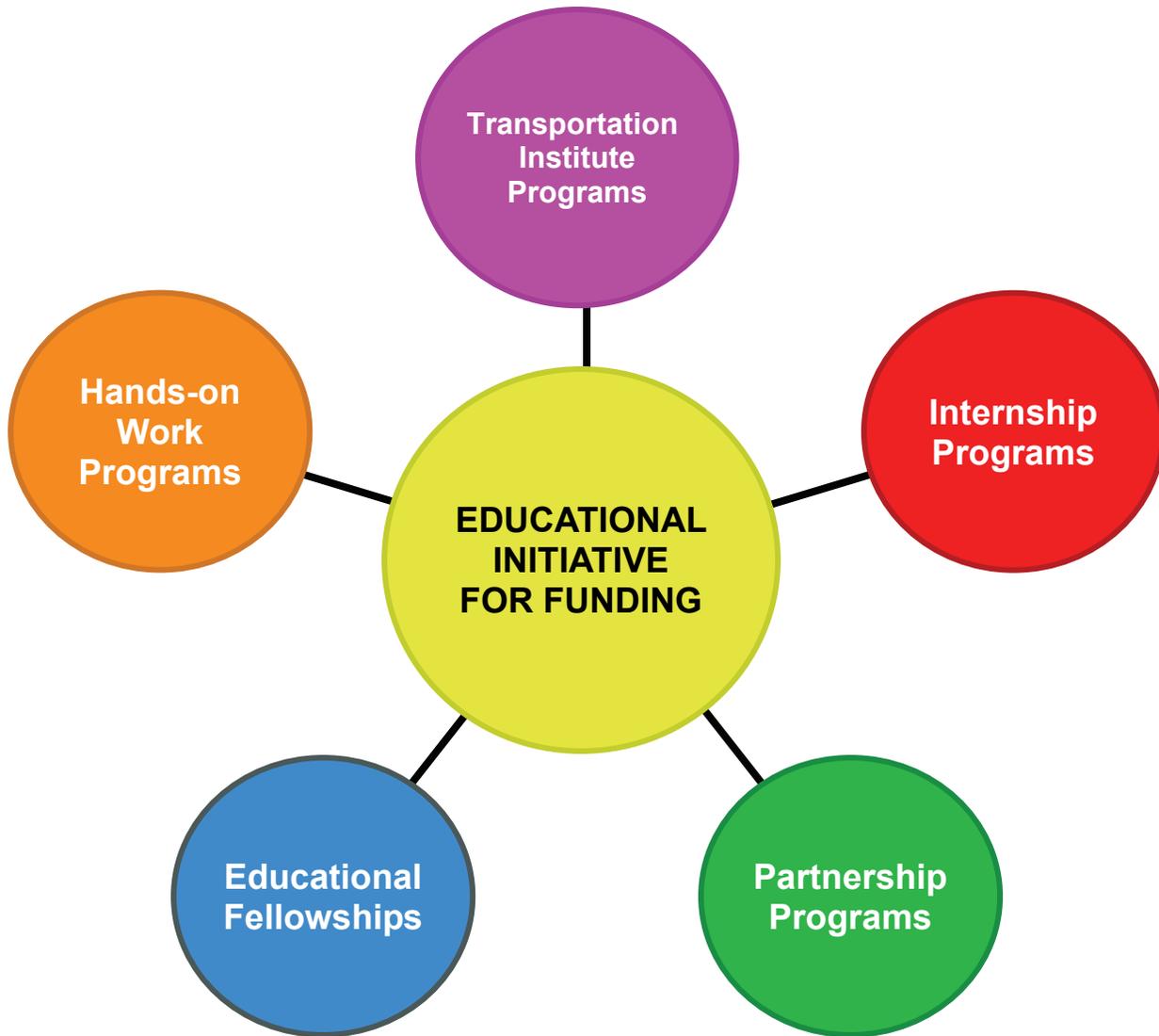
Private and public entities are invited to submit their own educational initiative proposals to compliment FHWA's own efforts in achieving a strong transportation workforce for the future. Funding is available for approved educational initiative proposals, targeting youth and young adults, which provide career orientation and/or educational experiences that foster and develop awareness, knowledge and exposure to the many career opportunities available within the field of transportation. The use of MIHE facilities/staff in implementing these programs is encouraged.

Proposals should be submitted to STAs for recommendation. Recommended proposals are then submitted to the FHWA Division Offices which are then forwarded to FHWA HCR for review and funding approval.

Examples of educational initiatives include, but are not limited to, the following: (*see flow chart that follows*):

- **Internship Programs** –Programs targeting diverse groups including minorities, women, disadvantaged individuals and persons with disabilities which offer transportation research opportunities, work experience, and on-site visits introducing students to many aspects of the complex field of transportation and transportation-related careers. Transportation areas may include, but are not limited to, the following: engineering, planning, economics, transportation management, environment, hazardous materials, aviation, business, public administration, management information systems, law, criminal justice, and marketing. Programs can be developed for summer implementation.
- **Transportation Institute Programs** – Programs that provide students with 4 to 5 weeks of instruction in SAT preparation, Life Management Seminars, field trips, and student projects in either a residential or non-residential implementation model, and motivate students to consider careers in the transportation industry. Programs targeting students who have an expressed interest in engineering, science, transportation, and technology careers are encouraged.
- **Partnership Programs** –Transportation-related educational programs with an existing partnership to another private or public entity that encourages interest in transportation, engineering, and related disciplines among minorities and women, but is not exclusive.
- **Hands-on Work Programs** –Transportation-related educational programs that offer hands on projects for youth interested in the transportation field. Potential projects could include, but are not limited to, rehabilitation, reclamation, or beautification of urban public housing and public works, and transportation resources or facilities.
- **Educational Fellowships** –Programs for qualified students at colleges and universities pursuing degrees in transportation-related disciplines. Programs which would advance transportation education, research and workforce development and encompass all modes of transportation.

Educational Initiatives for Funding



IMPLEMENTATION

V. STATEMENT OF WORK (SOW) OVERVIEW

The following is a guideline detailing the documentations State transportation agencies (STAs) must submit in order for funding to be considered and approved by the Federal Highway Administration (FHWA).¹⁰

Please note: ALL STATEMENTS OF WORK submitted to FHWA must be complete (including all program components-see below). Incomplete Statements of Work will be returned without evaluation and may cause STAs to forfeit their funding request for the current fiscal year.

The following **key program components** must be included in the STA's SOW:

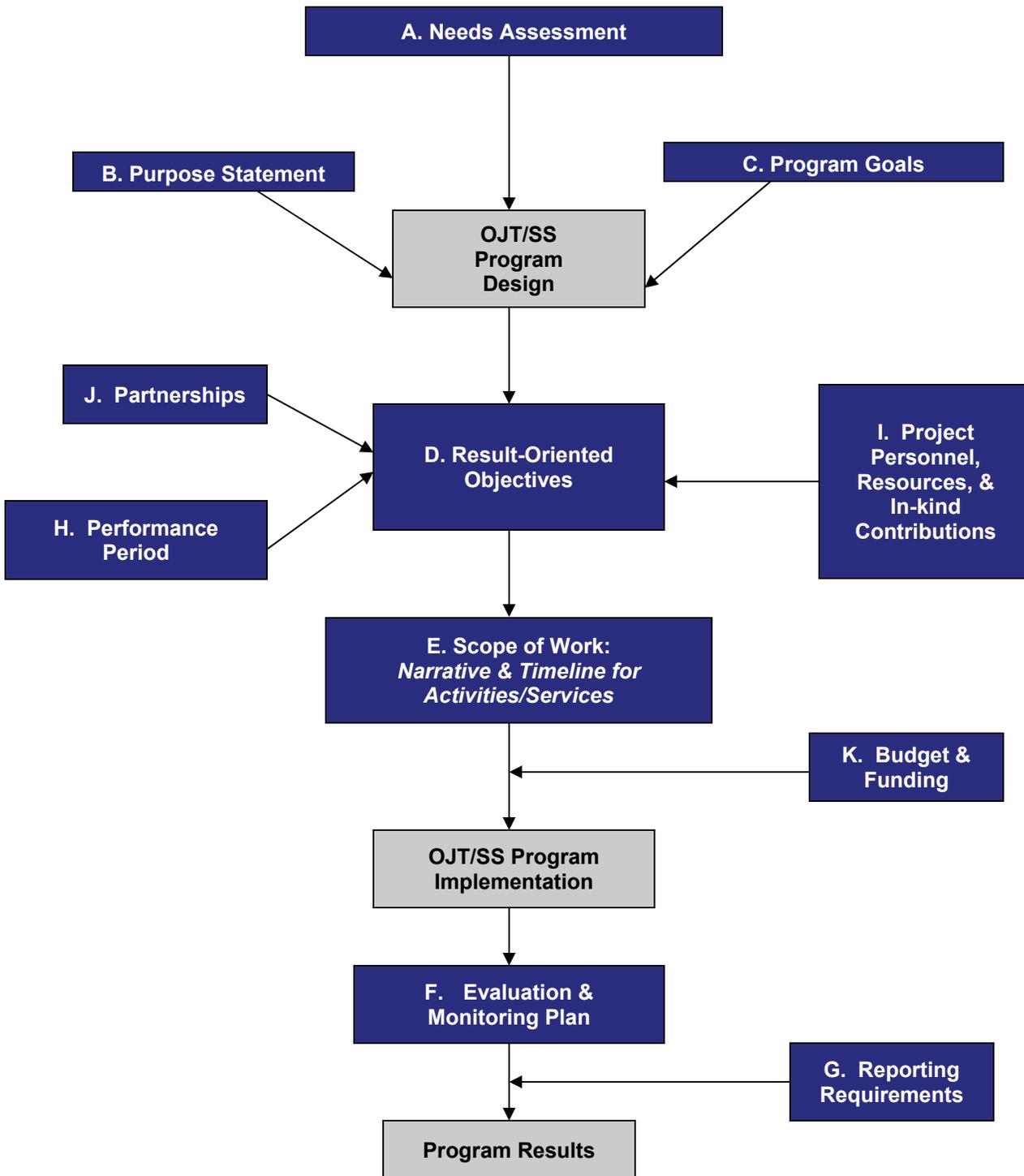
- A. Needs Assessment
- B. Purpose Statement
- C. Program Goals
- D. Result-Oriented Objectives*
- E. Scope of Work: Narrative & Timeline for Activities/Services*
- F. Evaluation and Monitoring Plan
- G. Reporting Requirements
- H. Performance Period
- I. Project Personnel, Resources, & In-Kind Contributions
- J. Partnerships
- K. Budget and Financial Requirements

* Program Goals, Result-Oriented Objectives, and Scope of Work can be presented using a Logic Model (see Attachment A; also see W.K. Kellogg Web site at www.wkkf.org for a guide in developing a logic model)

IMPORTANT: If any component in this guideline does not apply or is not necessary to your OJT/SS program, **write a response indicating why that particular component will not be attached or discussed in your SOW.** It is **NOT ACCEPTABLE** to answer not applicable (N/A).

¹⁰ These key components as well as suggestions and tools can be used by the FHWA, STA, and others who have responsibility for implementing and managing an OJT/SS Program. Additionally, this OJT/SS Program document offers guidance for STAs to consider when revising supportive service programs funded by FHWA.

Steps Involved in Creating a Successful OJT/SS Program



A. NEEDS ASSESSMENT

1. OJT/SS Program Goal:

The broad OJT/SS program goal for all STAs requesting funding is to provide supportive services that will increase the total number of minorities, women and disadvantaged individuals (the targeted group) participating in the Federal-aid highway construction industry.

2. Purpose of the Needs Assessment:

In order to achieve the broad OJT/SS program goal, STAs must determine what **services would increase participation** of the total number of minorities, women and disadvantaged individuals in the Federal-aid highway construction industry.

In addition, STAs must **determine what the current barriers** are to the targeted group's participation on Federal-aid highway construction projects.

A needs assessment will provide data (from the targeted group and contractors) identifying the barriers that hinder the targeted group's participation in Federal-aid highway construction projects. These identified barriers demonstrate the need for the OJT/SS program. The OJT/SS program **MUST** address these barriers by offering programs, which offer solutions and enable STAs to meet the OJT/SS program goal in their community.

The needs assessment ensures the participation of every stakeholder in creating an individualized, necessary, and community-based OJT/SS program.

3. Annual Data Collection from Participants

The needs assessment is conducted **annually** with the information obtained from the **prime contractors**, the **potential OJT candidates** and the **local communities** where the projects are located or projects that are projected to start within five years.

Annual data can be collected from the following **participants**:

1. OJT participants
2. OJT service providers
3. Construction company owners
4. State construction and project engineers

² 23 CFR Ch.1 §230.113(b)(1), *Implementation of Supportive Services (4-1-06 edition)*.

4. Instruments to Collect Information

A **variety of instruments** can be used to collect information, including but not limited to, the following:

1. Surveys
2. Internal data collection
3. Interviews
4. Evaluations
5. Observations
6. Focus groups
7. Assessment of skills for targeted group

5. Questions the Needs Assessment MUST Answer

The **needs assessment MUST answer the following questions** in order to develop the OJT/SS Statement of Work:

1. What **current** and **future** Federal-aid highway construction **projects** have been **identified in the community**?
2. What Federal-aid highway construction **jobs** have been **identified** based on the current and future jobs cited in question 1?
3. What skills are required for the identified jobs cited in question 2?
4. What are the **current barriers** to minorities, women and disadvantaged individuals in participating on these Federal-aid highway construction projects and jobs (i.e. skills training, transportation, child care, lack of open apprenticeship programs, etc.)?

How to identify the OJT/SS Services for the target groups' ability to perform highway construction jobs once community construction jobs have been identified:

1. Identify the targeted groups' current competencies used to perform the specific tasks required for the identified construction jobs (identify current level of performance).
2. Develop a list of tasks and competencies needed by the employer/contractor in order to complete the job (identify established performance expectations).
3. Identify the barriers to job performance (what is the difference between the current level of performance and the established performance expectations).
4. Identify any additional barriers that hinder job performance (i.e. lack of child care, lack of transportation, lack of tools, lack of pre apprenticeship program availability, lack of basic skills, career planning skills, physical skills, mentoring, communication skills, job skills, etc.).
5. Identify what tasks/competencies are the most important for achieving the OJT/SS goal.
6. Develop OJT/SS program, which will provide services that will reduce/eliminate the barriers identified (obtain information needed for developing/selecting the appropriate learning strategy).

Examples of Potential Barriers and Possible Solutions as Identified in the Needs Assessment

Identified Barriers	Identified Solutions
Lack of tools	Provide tools for target group working on Federal-aid highway construction jobs
Lack of child care	Provide child care services for targeted group working on Federal-aid highway construction jobs covering hours of employment
Lack of transportation	Provide transportation to and from the worksite for the target group
Lack of Pre-apprenticeship Program	Provide pre-apprenticeship program that results in entrance to an apprenticeship program for the target group
Lack of Basic Skills	Provide basic skills necessary for Federal-aid highway construction employment for the target group
Lack of Career Planning skills	Provide resume, networking, letter writing and other career planning services which aid in the achievement of Federal-aid highway construction employment for the targeted group
Lack of physical skills	Provide strength training and instruction in physical skills needed for Federal aid highway construction for the targeted group
Lack of communication skills	Provide English for Speakers of other languages focused on language skills necessary for Federal-aid highway construction jobs for the targeted group

B. PURPOSE STATEMENT

The purpose statement is a **summary** statement which indicates the **amount** of **money** the OJT/SS program is **requesting**, **why** the money is being **requested** (services offered should be identified from current needs assessment) and what the money will be **used for**.

The purpose statement is based on the needs assessment.

Example of a Purpose Statement

ABC State is requesting \$200,000 in funding to provide highway construction industry skills training, tools and equipment, and child care services, as identified as current barriers in the needs assessment, to minorities, women and the disadvantaged in order to increase the targeted group's participation in the highway construction workforce.

C. PROGRAM GOALS

Performance goals are anticipated, desirable results of the project, **expressed numerically**, that are **developed annually** for each year the program is funded and are based on the outcome of the needs assessment.

The OJT/SS program goal **MUST** address where the targeted population will be when the performance period has ended.

Once goals are established, result-oriented objectives will formulate the plan for achieving these goals.

TIP: It is recommended that each OJT/SS program **identify three to six goals**, with **each goal** always having **one to three measurable objectives**.

Where does the OJT/SS program aim to be after the
per-  formance period ends and funds are expended?

Using the data collected from the needs assessment, the STA should identify the specific program goals for their OJT/SS program. Program goals identify where the OJT/SS program hopes to be at the end of the performance period and are **based on the information gained from the needs assessment**.

OJT/SS PROGRAM GOALS MUST:

- Be written in one sentence.
- Be clear and concise.
- Do not have to include any measurements or timelines (these will be included in the program objectives).
- Goals should identify the targeted population.

Examples of Topics for PROGRAM GOALS

1. Develop and implement **recruitment services** in order to increase minorities, women and disadvantaged individual's participation in the highway construction industry.
2. Provide highway construction hands-on **training and apprenticeship** programs to increase the level of skills needed in the highway construction industry for minorities, women and disadvantaged individuals.
3. Provide **employment counseling and related services** to increase job placement in the highway construction industry for minorities, women and disadvantaged individuals.
4. Provide **supplemental services** (ie. child care, remedial education, etc.) as identified by minorities, women and disadvantaged individuals in order to support their continued employment on Federal-aid highway construction jobs.
5. Provide **continuous support (as identified by the needs assessment)** to minorities, women and disadvantaged individuals in order to increase and maintain their ability to remain in the highway construction workforce.
6. Provide **transportation** for minorities, women and disadvantaged individuals in order to enable them to travel to and from work sites.
7. Provide **post-graduation follow-up assistance** for minorities, women and disadvantaged individuals in order to support their ability in continued participation in the highway construction workforce.
8. Provide **job site mentoring** to minorities, women and disadvantaged individuals working on Federal-aid highway construction projects to support the targeted group's continuation in the highway construction workforce.
9. Provide **pre-employment assessment** for minorities, women and disadvantaged individuals in order to support their ability in continued participation in the highway construction workforce.
10. Provide **mediation** for minorities, women and disadvantaged individuals in order to support their ability to continue participating in the highway construction workforce.
11. Provide **pre-and post-employment counseling** for minorities, women and disadvantaged individuals in order to support their ability in continued participation in the highway construction workforce.
12. Provide **skills training** aimed at increasing the overall participation of minorities, women and disadvantaged individuals in the highway construction industry.
13. Provide **child care** to participants in a FHWA or State Highway Administration (SHA) OJT Program aimed at increasing the continued participation and increased participation of minorities, women and disadvantaged individuals in the highway construction workforce.
14. Develop and implement a **recruitment marketing plan** aimed at increasing the overall participation of minorities, women and disadvantaged individuals in the highway construction industry.

Examples of PROGRAM GOALS

1. Provide hands-on highway construction training and apprenticeship programs to increase the level of skills needed in the highway construction industry for minorities, women, and disadvantaged individuals.
2. Provide basic education skills and GED preparation instruction to OJT/SS participants in order to complete the prerequisite requirements necessary to enter the apprenticeship program.
3. Provide construction tools and equipment to minorities, women, and disadvantaged individuals in order to support their continued employment on Federal-aid highway construction jobs.
4. Provide child care services to minorities, women, and disadvantaged individuals in order to support their continued employment on Federal-aid highway construction jobs.

D. RESULT-ORIENTED OBJECTIVES



What are the major steps that the program will take in order to reach each goal?

The **objectives** serve as *benchmarks for what the program plans to achieve during the performance period*. The objectives must be **result-based** to demonstrate accountability.

Result-based objectives are specific, measurable, attainable and time-bound (**showing a measurable change** as a result of the OJT/SS program and **identifying a time period** for measurement of each objective).

IMPORTANT: Result-Oriented Objectives need to be written in **specific** and **measurable terms** and have a given **time frame** for achievement.

Writing Program Objectives in Specific, Measurable Terms with Time Frames for Achievement

STEP 1. First restate each identified program goal (See 3A).

STEP 2. Determine what services/activities the OJT/SS program will provide in order to reach each goal (see *chart p.15*).

STEP 3. Determine a realistic and attainable measurement for achievement that the program should achieve by the end of the performance period.

STEP 4. Identify the specific time (date) each objective will be measured and achieved.

Examples of Measurable, Specific Objectives

Objective: Increase the number of minorities, women and disadvantaged individuals who apply for Federal-aid highway construction jobs by 50 percent through implementation of a recruitment program to be achieved by December 1, 2010.

Objective: Provide on-the-job highway construction training in cement paving to at least 125 members of the targeted group with 100 percent of graduating participants gaining full or part time employment on Federal-aid highway construction jobs by June 1, 2010.

Objective: Provide child care services for 100 percent of the targeted population whom have gained full time or part time employment on Federal-aid highway construction jobs.

Objective: Provide construction tools for 100 percent of the targeted population whom have gained full time or part time employment on Federal-aid highway construction jobs.

Objective: Provide a pre-apprenticeship program for at least 75 members of the targeted population with 100 percent of graduating participants moving into apprenticeship programs by 2010.

E. SCOPE OF WORK: *Narrative & Timeline for Activities/Services*

Examples of Activity/Services that can be provided in order to achieve PROGRAM GOALS*

1. Recruitment
2. Skills training
3. Job placement
4. Child care
5. Outreach
6. Transportation to work sites
7. Post-graduation follow-up
8. Job-site mentoring
9. Pre-employment assessment
10. Mediation
11. Pre-and post-employment counseling
12. Pre-Apprenticeship Programs

*All of these **services must be connected to a Federal-aid highway construction project** in order to receive funding.

The **narrative portion of the scope of work** * **MUST** provide enough detail so that readers can easily understand the following:

- What services participants will be receiving?
- What participants will be doing?
- What benefits participants will be gaining from the services?

* **Replication of the program should be possible based upon a reading of the scope of work narrative.**

The timeline of the scope of work must specify when **ALL** activities/services identified in the objectives will begin and end during the performance period.

The **timeline portion of the scope of work** must include the following information:

1. **Identify ALL key tasks or activities** that will be carried out to implement the program successfully.
2. **Identify ALL tasks** that will be carried out from the **first to the last day of the performance period**.
3. Provide a realistic **timeframe** identifying when specific tasks will occur.
4. **Identify evaluation and monitoring instruments** that will be used to measure activities and provide dates for administration of these instruments.
5. **Identify dates for submission of evaluation and monitoring data results** to FHWA (MUST be done on a monthly or quarterly basis, as well as an annual report submitted within 60 days of the programs completion).

F. EVALUATION and MONITORING PLAN

The evaluation/monitoring plan is one of the most important portions of the SOW. FHWA requires all recipients of funding to use one or more evaluation/monitoring instruments, which track progress and demonstrate achievement of the program objectives.

The OJT/SS SOW **MUST** include a narrative explaining the evaluation/ monitoring plan that will be implemented for the OJT/SS program. This plan should include how data will be gathered, evaluated, and monitored. In addition, copies of the evaluation/monitoring instruments **MUST** be attached to the SOW.

IMPORTANT: All OJT/SS programs approved for funding must show accountability for the Federal dollars they receive. This will be achieved through on-going evaluation, monitoring and analysis of the OJT/SS program.

Evaluation/Monitoring Plan* MUST include the following:

1. A review of each program objective and a narrative explaining how you will determine whether each objective has been achieved (what evidence will demonstrate that program objectives have been achieved).
2. The type of information you will collect for evaluation purposes.
3. Identification of the frequency for which the information will be collected (monthly or quarterly).
4. Identification of the person(s) responsible for collecting the information.
5. Identification of the person(s) responsible for analyzing the information and reporting the results to FHWA.

***Evaluation/Monitoring instruments MUST be attached to your SOW (see also Section G).**

G. REPORTING REQUIREMENTS for Program Goals and Objectives

Performance goal(s) and objective(s) data **MUST be completed and submitted to FHWA** on a **monthly or quarterly** basis as well as in an **annual performance report** upon the completion of the one-year program implementation.

The OJT/SS SOW report **MUST** describe the data collection process and analysis methods that will be used to measure each program objective.

The OJT/SS SOW report **MUST** describe the extent to which progress has been made in achieving the program's written objectives, as well as, any problems and possible solutions for overcoming those problems.

The reports should include the following:

1. Identify each objective and the **progress achieved** as of the reporting date (Data showing progress should be measurable and include numerical data, include the number of participants the program impacted, how the program impacted them, what overall difference did the program make, etc.).
2. Identify all successes to date for the OJT/SS program (What did you accomplish?).
3. Identify any problems to date for the OJT/SS program and offer possible solutions in overcoming these problems (What changes could be made to improve the program? Is this program worth funding again?).
4. Include any additional information (i.e. questions, concerns, improvements/recommendations for administration of the program, etc.) that might be helpful.

H. PERFORMANCE PERIOD

*The total performance period for each OJT/SS SOW is **not to exceed one year.***

I. PROJECT PERSONNEL, RESOURCES & IN-KIND CONTRIBUTIONS (See Attachment B)

1. Identify the OJT/SS Project Administrator*

Job Description: The OJT/SS project administrator is the individual who is **responsible for the management of the OJT/SS program**. The project administrator should allocate an adequate portion of his/her work time (depending on the individual program needs) to oversee the implementation of the OJT/SS program. In addition, the project administrator will attend meetings with personnel, the project director, and community organization partners (See Section J).

*Resume for OJT/SS Project Administrator **MUST** be attached to SOW.

Duties: The project administrator is responsible for implementing the OJT/SS statement of work according to the funding requirements** of the FHWA Office of Civil Rights.

All approved (funded) OJT/SS programs will receive a letter from FHWA indicating any changes that **MUST be made on the OJT/SS SOW submitted. The project administrator is responsible for revising the SOW and implementing the program following the requirements by the FHWA Office of Civil Rights.

2. Identify the OJT/SS Project Director***

Job Description: The OJT/SS project director is the individual who is **responsible for the day-to-day operation of the OJT/SS program**. In addition, the project director will attend meetings with personnel, the project administrator, and community organization partners (see Section J).

***Resume for OJT/SS Project Director **MUST** be attached to SOW.

Duties: The project director is responsible for implementing the OJT/SS statement of work according to the funding requirements**** of FHWA Office of Civil Rights and reports directly to the project administrator.

****All approved (funded) OJT/SS programs will receive a letter from FHWA indicating any changes that **MUST** be made on the OJT/SS SOW submitted. The project administrator is responsible for revising the SOW and implementing the program following the requirements by the FHWA Office of Civil Rights.

NOTE: The project administrator and project director may be the same individual.

3. Identify any Additional OJT/SS Program Personnel who will be paid using FHWA funding

List all other personnel who will be hired or assigned for implementation of the OJT/SS program. In addition, specify contact information (including phone numbers and email addresses) for all identified personnel.

4. Provide a Management Plan for OJT/SS Program Personnel (See Attachment C)

The program management plan identifies who is accountable to whom. The program management plan provides FHWA with the names of personnel to contact should any questions arise regarding the OJT/SS program and its implementation.

Checklist for Identifying Key OJT/SS Personnel*
<ul style="list-style-type: none">✓ What are the project administrator's qualifications?✓ What are the project director's qualifications?✓ Who are the personnel who will carry out the day-to-day OJT/SS services/activities?✓ Do the project's personnel have extensive experience in the implementation of an OJT/SS program or related area?✓ What percentage of time for each individual will be charged to the OJT/SS program?✓ Is the time allocation for each individual sufficient in order to carry out the duties described in the OJT/SS SOW?✓ Will individual's time be paid for with FHWA funding or through an in-kind contribution?✓ What is each individual's line of accountability (to whom will each individual report)?
<p>*Include relevant work background, awards, acknowledgments, special recognitions, educational information, and any additional information that qualifies individuals for the positions</p>

5. Identify Available Resources: In-Kind Contributions (See *Attachment D*)

In order to implement a successful OJT/SS program, additional resources (above FHWA's funding allocation) will be necessary. The OJT/SS SOW **MUST** demonstrate the proposed program's adequacy of resources.

The SOW **MUST** identify all monetary and in-kind resources (specify the name of the partner agencies, the type of funding and the dollar value of the contribution). In-kind funding includes human and material resources that the STA will make available to the OJT/SS program. In-kind contributions include materials, equipment or services that are given without charge to the program or organization.

Identification of available resources can be provided in either a narrative or table format (See *Attachment D*).

Potential Sources for matching funds or in-kind contributions:
<ol style="list-style-type: none">1. Personnel: Individuals who will provide direct or indirect services for the OJT/SS program but whose services will not be paid through the OJT/SS program's budget expenditures. This may include volunteers. Dollar amounts for each individual must be included.2. Fringe Benefits: Fringe benefits for administrative, clerical, contracted, and facilities personnel. Eligible fringe benefits can be prorated based on the actual amount of time contributed to the OJT/SS program.3. Travel Expenses: All travel must be related to the OJT/SS program and granted for key or ancillary personnel.4. Equipment: Equipment must be existing or to be purchased.5. Supplies: Supplies must be on hand from existing inventory or newly purchased.6. Contractual: Contracted consultants can lend their expertise and time to the OJT/SS program (pro bono services).7. Construction: Infrastructure work can be donated by trade professionals or volunteers.8. Miscellaneous: Utilities, telephone, printing, copying, postage and other costs can be a source of in-kind contributions.

J. PARTNERSHIPS (See Attachment F)

In order to ensure that every community stakeholder becomes a participant in achieving the goal of having a diverse skilled highway construction workforce, long-term partnerships should be established and maintained for the future. These partnerships will help in planning a successful program, providing necessary solutions, and collaborating resources.

Possible partnerships include educators, contractors, government agencies, workforce advocates, contractor associations, unions, trade organizations, apprenticeship programs, community-based organizations, lending and financial institutions, community educational institutions, community/economic development organizations, youth organizations, community leaders, etc.

The SOW should identify all OJT/SS Program partners and include: Name of organization, organization's location, organization's role (what services/monetary support have they agreed to supply, and whether they have agreed to continue the partnership in the future.

In addition, the SOW **MUST** include an official letter from a chief officer of **EACH** partnership organization stating their commitment to the OJT/SS program and the services/monetary contribution the organization has agreed to furnish.

K. BUDGET AND FINANCIAL REQUIREMENTS (See Attachment E)

The OJT/SS program budget must be linked directly to the program's objectives. In order to achieve the objectives, the OJT/SS program will implement a series of services/activities. The line items in the budget are the costs of what is necessary to carry out the OJT/SS services/activities and which will lead to the program objectives being successfully achieved.

1. Budget Summary

The budget summary is a skeletal outline showing how the OJT/SS program's total cost is allocated to line items. The budget summary should provide the main budget line item categories, identification of whether funds are in-kind* or requested and the total amounts for each category in a table format. (See *attachment E*)

TIP: *To identify the *dollar value for volunteer hours by State* see the Independent Sector website at http://independentsector.org/programs/research/volunteer_time.html .

2. Budget Narrative

The budget narrative follows the budget summary table in the OJT/SS SOW. Everything included in the budget narrative should have been discussed previously in the OJT/SS SOW.

Budget Narrative Components**

1. Personnel portion

- Describe in detail the costs for the OJT/SS program staff and fringe benefits that will be paid from the FHWA funds, paid by the STA funds, and any other funds (which are NOT FHWA funds) as well as the value of volunteer hours.*
- OJT/SS program funds may **NOT** be used to pay for salaries or training for STA staff in administering an “in-house” OJT/SS program.

2. Requested Contributions

- Describe in detail any funds the STA is seeking to obtain from outside organizations for the OJT/SS program.

3. Travel

- Describe in detail any local travel (mileage reimbursement) or out-of-town travel that OJT/SS program personnel will be reimbursed for (including cost of transportation, lodging, meals, and ground transportation).
- In addition, include the number of trips planned, number of persons attending each trip, name of event, purpose of the trip, location, and other costs (i.e. the daily allowance given to OJT/SS personnel to spend on meals and incidentals while traveling).

4. Equipment

- OJT/SS program funds may **NOT** be used to purchase equipment.

5. Supplies

- Identify all materials and supplies needed for the daily implementation of the OJT/SS program.
- Examples include office supplies, program supplies, and training supplies.

6. Contractual

- Identify any person hired for the OJT/SS program who is not a member of the OJT/SS program staff.
- Examples include accounting firms hired to handle fiscal reporting/money management; evaluation specialist hired to evaluate program; etc.

7. Other/Miscellaneous

- Identify any items necessary for implementing the OJT/SS program which do not fit into any of the other categories.
- List items by major type, and show, in the budget narrative, how you arrived at the total sum requested.

8. Indirect Costs/Overhead

- Indirect costs cover services and products such as the telephone bill, utilities, rent payments, maintenance costs, and insurance premiums.
- Indirect costs are usually calculated as a percentage of total direct costs and can range from 5 percent to 20 percent of the budget.

TIP*: See the General Services Administration web site for the **State link to domestic per diem rates** at http://www.gsa.gov/Portal/gsa/ep/contentView.do?programId=9704&channelId=-15943&oid=16365&contentId=17943&pageTypeId=8203&contentType=GSA_BASIC&programPage=%2Fep%2Fprogram%2FgsaBasic.jsp&P=MTT

IMPORTANT**: OJT/SS program funds may **NOT** be used for non-highway related activities.

SOW ATTACHMENTS

ATTACHMENT A

Program Implementation Plan			Program Anticipated Outcomes	
Resources	Activities/ Services	Objectives	Goals	Impact
<ul style="list-style-type: none"> List all of the resources needed to operate the OJT/SS program. Resources include: staff, money, volunteers, facilities, equipment, supplies, community partnerships. 	<ul style="list-style-type: none"> List all of the planned activities/ services (ones listed on the timeline). Identify what the OJT/SS program will do with the resources in order to fulfill your goals. 	<ul style="list-style-type: none"> List the objectives that will be the direct results of the activities/ services provided. 	<ul style="list-style-type: none"> Anticipated benefits for the target group as a result of the program activities/ services. Include all short-term, mid-term, long-term goals that are anticipated during and after the program's implementation. 	<ul style="list-style-type: none"> List the intended changes to the targeted population, community, partners, etc. as a result of the program's implementation.

Internet resources for help in creating Logic Models:

- National Center for the Dissemination of Disability Research: www.ncddr.org
- Centers for Disease Control and Prevention: www.cdc.gov/eval/resources.htm
- U.S. Department of Housing and Urban Development: www.ngma-grants.org/docs/2004conference/attachments/sessionE3.ppt#1
- W.K. Kellogg Web site: www.wkkf.org

Attachment B

PERSONNEL PLAN

POSITION TITLE	PERSONNEL ASSIGNED	HOURS ASSIGNED TO PROGRAM IMPLEMENTATION	FUNDING SOURCE (FHWA or In-Kind)	QUALIFICATIONS
<ul style="list-style-type: none">• List the job title.	<ul style="list-style-type: none">• Provide name of person assigned to position.• Provide contact information for each individual (phone, email).	<ul style="list-style-type: none">• Provide the time required for each individual assigned to implement the program.• Provide time in hours per week.	<ul style="list-style-type: none">• Provide the funding source for the time.• FHWA or In-Kind.	<ul style="list-style-type: none">• Provide person's relevant work experience and/ or educational and professional achievements.

MANAGEMENT PLAN

OJT/SS PROGRAM			
TITLE _____			
Position	Hours Per Week On Program Implementation	Reports To	Funded By
<ul style="list-style-type: none"> • Identify title of position. • Indicate in () the number of people that will fill each position. 	<ul style="list-style-type: none"> • Specify the time allocation for each individual. 	<ul style="list-style-type: none"> • Identify to whom this individual will report. 	<ul style="list-style-type: none"> • Specify how the position will be funded.

AVAILABLE RESOURCES: CASH AND IN-KIND

Resource Agency Name	Cash Contribution	In-Kind Contribution*
<p>Record all resources name (monetary and in-kind) that will contribute to the OJT/SS program.</p> <p>Resources should include all organizations/persons who are helping to implement the OJT/SS program by contributing cash or in-kind services.</p>	<p>Specify the dollar amount for all cash contributions.</p> <p>Identify monetary State funding that can be contributed to the OJT/SS program.</p>	<p>Specify the value in dollars for all in-kind donations.</p> <p>In-kind resources includes administrative services, access to materials and supplies, use of equipment and facilities, printing support services, etc. which will be available to the OJT/SS program and its personnel at no cost.</p>

TIP: *To determine the *dollar value for volunteer hours by State* see the Independent Sector website at www.independentsector.org

BUDGET SUMMARY

Line-Item Detail	In-Kind*/ Matching Funds	FHWA Funds Requested	Total Costs
SALARIES			
<ul style="list-style-type: none"> Identify specific main budget line items (for example: personnel, fringe benefits, etc.). 	<ul style="list-style-type: none"> Dollar amount of in-kind contribution/matching funds 	<ul style="list-style-type: none"> Dollar amount of requested funds 	<ul style="list-style-type: none"> Provide the TOTAL cost per category identified in the line-item column.
FRINGE BENEFITS			
<ul style="list-style-type: none"> Identify specific main budget line items (for example: personnel, fringe benefits, etc.). 	<ul style="list-style-type: none"> Dollar amount of in-kind contribution matching funds 	<ul style="list-style-type: none"> Dollar amount of requested funds 	<ul style="list-style-type: none"> Provide the TOTAL cost per category identified in the line-item column.
TRAVEL			
<ul style="list-style-type: none"> Identify specific main budget line items (for example: personnel, fringe benefits, etc.). 	<ul style="list-style-type: none"> Dollar amount of in-kind contribution matching funds 	<ul style="list-style-type: none"> Dollar amount of requested funds 	<ul style="list-style-type: none"> Provide the TOTAL cost per category identified in the line-item column.
SUPPLIES			
<ul style="list-style-type: none"> Identify specific main budget line items (for example: personnel, fringe benefits, etc.). Examples include: office supplies, program supplies, and training supplies. 	<ul style="list-style-type: none"> Dollar amount of in-kind contribution matching funds 	<ul style="list-style-type: none"> Dollar amount of requested funds 	<ul style="list-style-type: none"> Provide the TOTAL cost per category identified in the line-item column.
CONTRACTUAL			
<ul style="list-style-type: none"> Identify specific main budget line items (for example: personnel, fringe benefits, etc.). Examples include accounting firms hired to handle fiscal reporting/money management; evaluation specialist hired to evaluate program; etc. 	<ul style="list-style-type: none"> Dollar amount of in-kind contribution matching funds 	<ul style="list-style-type: none"> Dollar amount of requested funds 	<ul style="list-style-type: none"> Provide the TOTAL cost per category identified in the line-item column.

OTHER/MISCELLANEOUS

<ul style="list-style-type: none"> • Identify specific main budget line items (for example: personnel, fringe benefits, etc.). • Identify any items necessary for implementing the OJT/SS program which do not fit into any of the other categories. • List items by major type and show, in the budget narrative, how you arrived at the total sum requested. 	<ul style="list-style-type: none"> • Dollar amount of in-kind contribution matching funds 	<ul style="list-style-type: none"> • Dollar amount of requested funds 	<ul style="list-style-type: none"> • Provide the TOTAL cost per category identified in the line-item column.
---	--	--	---

INDIRECT COSTS

<ul style="list-style-type: none"> • Identify specific main budget line items (for example: personnel, fringe benefits, etc.). • Indirect costs cover services and products such as the telephone bill, utilities, rent payments, maintenance costs, and insurance premiums. • Indirect costs are usually calculated as a percentage of total direct costs and can range from 5 percent to 20 percent of the budget. 	<ul style="list-style-type: none"> • Dollar amount of in-kind contribution matching funds 	<ul style="list-style-type: none"> • Dollar amount of requested funds 	<ul style="list-style-type: none"> • Provide the TOTAL cost per category identified in the line-item column.
---	--	--	---

TIP: *To determine the *dollar value for volunteer hours by State* see the Independent Sector website at www.independentsector.org.

PARTNERSHIPS

Partnerships	Services/ Contributions	Time Commitment to OJT/SS Program
<ul style="list-style-type: none"> • Include the following information for EACH partner: <ol style="list-style-type: none"> 1. Organization Name 2. Contact person 3. Contact information (email and phone) 4. Location 	<ul style="list-style-type: none"> • What has partner committed to provide the OJT/SS program? <p><u>Examples:</u></p> <p>ABC Company has committed to provide cash support in the amount of \$ to be used for</p> <p>ABC Company has committed to provide meeting space to be used for...</p> <p>ABC Company has committed to provide # of volunteers to provide....</p> <p>ABC Company has committed to provide technical assistance to be used for...</p> <p>ABC Company has committed to provide construction equipment to be used for...</p> <p>ABC Company has committed to provide construction training to be used for....</p>	<ul style="list-style-type: none"> • How much time has the partner committed to the OJT/SS program (the entire performance period, beyond the performance period, etc.)? • Give a reference number indicating where the official letter of commitment can be found in the OJT/SS SOW.

DOCUMENTATION

I. MIHE/Educational Initiative Proposal Evaluation Sheet FHWA Headquarters Office of Civil Rights

MIHE/Educational Initiative Proposal Evaluation Sheet					
FHWA Headquarters Office of Civil Rights					
Project Title:					
SCORE:	0		0		
No.	Program Activities	Reference Page No.	Score	Total Score	Comments
QUALIFICATIONS FOR FUNDING					
1	Is the program designed to aid the State Transportation Agency (STA) in increasing number of MIHE participating in the highway construction industry and transportation-related careers?				
2	Is the program designed to increase awareness, education and opportunities in transportation for MIHEs, particularly its effectiveness in providing meaningful career and educational opportunities for minorities, women, and the disadvantaged individuals as related to transportation?				
3	Is the project innovative, and does it have the potential to serve as a national training model for MIHEs which supports national initiatives to provide new and better strategies for enhancing collaborative efforts to achieve a diverse workforce in transportation?				
	Score		0	0	

No.	Program Activities	Reference Page No.	Score	Total Score	Comments
SCOPE OF WORK					
4	Has a needs assessment been administered to determine if program objectives identified are appropriate and timely (i.e. for research projects-has the area of study been identified as a critical issue/for educational programs-has the area of training-work-education been identified as jobs needed in the future transportation workforce)?				
5	Does the needs assessment include an evaluation of the current barriers related to the scope of work (i.e. recruitment of minority students, inability to overcome critical issue thus far)?				
6	Does the scope of work address the issues identified in the needs assessment?				
7	Is the scope of work a clear, complete and detailed statement of services (i.e.. Daily program itinerary for summer institutes/ educational programs, detailed action plan for research projects)?				
8	Does the scope of work include other services that will contribute to the long-term development of the MIHE or educational initiative participants and the future transportation workforce?				
9	Does the statement of work include performance goals/objectives, activities/ strategies, and targeted outcomes based on the needs assessment?				
10	Does each specific activity have a results-oriented performance target outcome (i.e. data showing an increase in minority participation, data showing how research impacted a critical area in transportation)?				
11	Does each specific activity indicate a timeframe for performance completion (i.e. By August 2010, there will be a 25 percent increase in the number of minorities participating in transportation related career and educational programs., By August 2010, the research addressing the critical issue will be completed and pilot testing at various locations will begin.)?				
	Score		0	0	

No.	Program Activities	Reference Page No.	Score	Total Score	Comments
EXPECTED OUTCOMES					
12	Does the statement of work have an expected outcome that includes an increase in the number of minorities and/or MIHEs participating in research or educational initiatives?				
13	Does the statement of work have an expected outcome that includes an increase in the number of minorities and/or MIHEs participating in transportation research or educational initiatives ?				
	Score		0	0	
PERFORMANCE PERIOD					
14	Does the Statement of Work clearly establish the beginning and ending date (performance period) for delivering services?				
15	Does the Statement of Work estimate when specific services or tasks will be provided or completed?				
16	Does the Statement of Work have a performance period not to exceed one year?				
	Score		0	0	
REPORTING REQUIREMENTS					
17	Does the Statement of Work include monthly or quarterly reports depending upon the length of the program, which include sufficient data and narrative regarding the accomplishments for each goal or objective in order to determine the program's/project's performance, identify problems, and identify solutions?				
18	Does the Statement of Work indicate that monthly or quarterly reports (depending upon the length of the program/project) will be submitted to the FHWA division office?				
19	Does the Statement of Work include a Final Report required within 60 calendar days after the last day of the performance period (MUST INCLUDE: comprehensive account of accomplishments, concerns identified and resolutions implemented, recommendations for improvement, etc.)?				
	Score		0	0	

No.	Program Activities	Reference Page No.	Score	Total Score	Comments
BUDGETING AND FINANCIAL REQUIREMENTS					
20	Does the budget identify costs and expenses which are prudent, relevant and reasonable for achieving the goals of the program/project?				
21	If the budget includes “ overhead costs ” are they identified specifically and are they reasonable (Funds cannot be used for equipment purchases; or non-related expenses.)?				
22	Does the Statement of Work include a Performance-based budget (identifies specific tasks/activities, the dollar value for each task and date of expected completion)?				
23	Does the Statement of Work include an Operational-based budget (Itemized list of all expenses NOT tied to specific tasks; for example: Salaries of staff; fringe benefits; travel expenses; office expenses; technical training and seminars [i.e. meeting space, memberships])?				
24	Are State funds using ½ of 1percent optional funding authorized by 23 USC 140 (b) being used to support the project?				If not, does statement of work justify why it could not be done?
	Score		0	0	
MONITORING AND EVALUATION					
25	If the program/project is consultant-based , does the statement of work include procedures that require evaluations of consultants?				
	Score		0	0	

No.	Program Activities	Reference Page No.	Score	Total Score	Comments
PARTNERSHIPS					
26	Is the STA actively partnering with the program/project by augmenting the activities funded by FHWA (for example: STA providing staff salaries, staff training, and any other direct assistance that facilitates program implementation)? STRONGLY RECOMMENDED				
27	Is the State contributing in-kind services? STRONGLY ENCOURAGED				
28	Are partners identified with commitments and/or contributions clearly stated (i.e. industry contractors, training providers, tribal governments, community and/or faith-based organizations, HBCUs or other MIHEs, and/or other interested partners)? OFFICIAL LETTERHEAD from partners should be included and state the services the partner will provide and their commitment to the program/project.				
	Score		0	0	
	Total Score		0	0	
Evaluated by:					

DOCUMENTATION

**II. OJT/SS
PERFORMANCE-BASED RESULT-ORIENTED
ACHIEVEMENT WORKSHEET**

GOALS-ACTIVITIES-MEASURES-TIMEFRAME-OUTCOMES

FHWA Headquarters Office of Civil Rights

Program Name/State: _____
FY _____

PART I. NEEDS ASSESSMENT, SCOPE OF WORK DEVELOPMENT

1. Needs Assessment:

When was the needs assessment conducted? (MUST be current)

List and attach (if applicable) the needs assessment instruments used in developing your Statement of Work.

- a. _____ (attachment # _____)
- b. _____ (attachment # _____)
- c. _____ (attachment # _____)
- d. _____ (attachment # _____)

From whom was the needs assessment data collected?

(Prime Contractors and Potential OJT Candidates)

- a. _____
- b. _____

2. Outcome of Needs Assessment:

a. Based on the needs assessment, what are the current barriers to potential OJT's and contracting firms participating in the Federal-aid highway construction program?

1). _____

2). _____

3). _____

4). _____

5). _____

b. From the list above (2 a), what barrier(s) does your State OJT/SS program plan to address and remedy? THESE ARE YOUR **PROGRAM OBJECTIVES**.

- 1). _____

- 2). _____

- 3). _____

- 4). _____

- 5). _____

3. Scope of Work;

a. For each barrier (2 b) that your State OJT/SS program plans to address and remedy, what activities and/or services, if implemented, would accomplish this (these) goal(s)?

- 1). _____

- 2). _____

- 3). _____

- 4). _____

- 5). _____

b. List any other services that will contribute to the long-term development of OJT's and that will assist contractors with meeting their workforce needs and OJT obligations.

1). _____

2). _____

3). _____

4). _____

5). _____

PART 2. ACTIVITY/STRATEGY DEVELOPMENT, PERFORMANCE MEASURES, TIMELINE

LOOK AT 2b (above); Take each barrier that you have targeted and write it as one of your program objectives.

1. **a. Objective 1 of _____:**

b. List the activity and/or strategy (may be multiple activities or strategies) your State OJT/SS program will implement in order to decrease this barrier

1). _____

2). _____

3). _____

4). _____

5). _____

c. How will you measure whether each activity and/or strategy met your objective (what instrument will you use)? (Attach a copy of every instrument, if applicable)

1). _____ (Attachment # _____)

2). _____ (Attachment # _____)

3). _____ (Attachment # _____)

4). _____ (Attachment # _____)

5). _____ (Attachment # _____)

Objective #1 of ____:

Activity/Strategy <ul style="list-style-type: none">Implemented to achieve Objective	Expected Completion Date	Actual Performance	Performance Targets <ul style="list-style-type: none">What is your target goal?
1.			
2.			
3.			
4.			
5.			

2. a. **Objective 2 of _____:**

b. List the activity and/or strategy (may be multiple activities or strategies) your State OJT/SS program will implement in order to decrease this barrier.

1). _____

2). _____

3). _____

4). _____

5). _____

c. How will you measure whether each activity and/or strategy met your objective (what instrument will you use)? (Attach a copy of every instrument, if applicable)

1). _____ (Attachment # _____)

2). _____ (Attachment # _____)

3). _____ (Attachment # _____)

4). _____ (Attachment # _____)

5). _____ (Attachment # _____)

Objective #2 of _____:

Activity/Strategy • Implemented to achieve Objective	Expected Completion Date	Actual Performance	Performance Targets • What is your target goal?
1.			
2.			
3.			
4.			
5.			

3. **a. Objective 3 of _____ :**

b. List the activity and/or strategy (may be multiple activities or strategies) your State OJT/SS program will implement in order to decrease this barrier.

1). _____

2). _____

3). _____

4). _____

5). _____

c. How will you measure whether each activity and/or strategy met your objective (what instrument will you use)? (Attach a copy of every instrument, if applicable)

1). _____ (Attachment # _____)

2). _____ (Attachment # _____)

3). _____ (Attachment # _____)

4). _____ (Attachment # _____)

5). _____ (Attachment # _____)

Objective #3 of _____ :

Activity/Strategy • Implemented to achieve Objective	Expected Completion Date	Actual Performance	Performance Targets • What is your target goal?
1.			
2.			
3.			
4.			
5.			

4. a. **Objective 4 of _____ :**

b. List the activity and/or strategy (may be multiple activities or strategies) your State OJT/SS program will implement in order to decrease this barrier.

1). _____

2). _____

3). _____

4). _____

5). _____

c. How will you measure whether each activity and/or strategy met your objective (what instrument will you use)? (Attach a copy of every instrument, if applicable)

1). _____ (Attachment # _____)

2). _____ (Attachment # _____)

3). _____ (Attachment # _____)

4). _____ (Attachment # _____)

5). _____ (Attachment # _____)

Objective #4 of _____ :

Activity/Strategy • Implemented to achieve Objective	Expected Completion Date	Actual Performance	Performance Targets • What is your target goal?
1.			
2.			
3.			
4.			
5.			

5. **a. Objective 5 of _____:**

b. List the activity and/or strategy (may be multiple activities or strategies) your State OJT/SS program will implement in order to decrease this barrier.

- 1). _____

- 2). _____

- 3). _____

- 4). _____

- 5). _____

c. How will you measure whether each activity and/or strategy met your objective (what instrument will you use)? (Attach a copy of every instrument, if applicable)

- 1). _____ (Attachment # _____)
- 2). _____ (Attachment # _____)
- 3). _____ (Attachment # _____)
- 4). _____ (Attachment # _____)
- 5). _____ (Attachment # _____)

Objective #5 of _____:

Activity/Strategy <ul style="list-style-type: none"> • Implemented to achieve Objective 	Expected Completion Date	Actual Performance	Performance Targets <ul style="list-style-type: none"> • What is your target goal?
1.			
2.			
3.			
4.			
5.			

6. **a. Objective 6 of _____:**

b. List the activity and/or strategy (may be multiple activities or strategies) your State OJT/SS program will implement in order to decrease this barrier.

- 1). _____

- 2). _____

- 3). _____

- 4). _____

- 5). _____

c. How will you measure whether each activity and/or strategy met your objective (what instrument will you use)? (Attach a copy of every instrument, if applicable)

- 1). _____ (Attachment # _____)
- 2). _____ (Attachment # _____)
- 3). _____ (Attachment # _____)
- 4). _____ (Attachment # _____)
- 5). _____ (Attachment # _____)

Objective #6 of _____:

Activity/Strategy <ul style="list-style-type: none"> • Implemented to achieve Objective 	Expected Completion Date	Actual Performance	Performance Targets <ul style="list-style-type: none"> • What is your target goal?
1.			
2.			
3.			
4.			
5.			

7. **a. Objective 7 of _____:**

b. List the activity and/or strategy (may be multiple activities or strategies) your State OJT/SS program will implement in order to decrease this barrier.

1). _____

2). _____

3). _____

4). _____

5). _____

c. How will you measure whether each activity and/or strategy met your objective (what instrument will you use)? (Attach a copy of every instrument, if applicable)

1). _____ (Attachment # _____)

2). _____ (Attachment # _____)

3). _____ (Attachment # _____)

4). _____ (Attachment # _____)

5). _____ (Attachment # _____)

Objective #6 of _____:

Activity/Strategy • Implemented to achieve Objective	Expected Completion Date	Actual Performance	Performance Targets • What is your target goal?
1.			
2.			
3.			
4.			
5.			

DOCUMENTATION

III. OJT/SS Statement of Work Evaluation Sheet FHWA Headquarters Office of Civil Rights

Project Title:					
SCORE:		0		0	
No.	Program Activities	Reference Page No.	Score	Total Score	Comments
QUALIFICATIONS FOR FUNDING					
1	Is the program designed to aid the State Transportation Agency (STA) in increasing number of qualified individuals gaining work experience for highway construction industry and transportation related careers?				
2	Is the program designed to increase the effectiveness of approved on-the-job training programs, particularly their effectiveness in providing meaningful training opportunities for minorities, women, and the disadvantaged individuals on Federal-aid highway projects?				
3	Is the existing OJT/SS project innovative; and does it have the potential to serve as a national training model for targeted group(s) which supports national initiatives to provide new and better strategies for enhancing collaborative efforts to increase training and employment opportunities for targeted groups?				
	Score		0	0	
SCOPE OF WORK					
4	Has the STA who administers the OJT/SS Program with their own staff ("in-house"), as well as those who provide OJT/SS through an outside consultant, conducted a needs assessment of the prime contractors and potential OJT candidates (for example: conducting surveys, reviewing internal data regarding OJT participation, obtaining input from OJT service providers, construction company owners, OJTs, and State construction and project engineers who have knowledge of OJT performance on highway projects)? (MUST be completed PRIOR to writing scope of work)				

No.	Program Activities	Reference	Score	Total Score	Comments
QUALIFICATIONS FOR FUNDING					
5	Does the needs assessment include an evaluation of the current barriers to potential OJTs and contracting firms participating in the Federal-aid highway construction program?				
6	Does the scope of work address the issues identified in the needs assessment?				
7	Is the scope of work a clear, complete and detailed statement of services (i.e., such as services to construction contractors, subcontractors, and trainees, for recruiting, counseling, remedial educational training, assistance in the acquisition of tools, special equipment, transportation to worksites, skills training, job placement, job site mentoring, mediation, post graduation placement, etc.) which will be provided and based on the needs assessment?				
8	Does the scope of work include other services that contribute to the long-term development of OJT's and that assist contractors with meeting their workforce needs and OJT obligations?				
9	Does the Statement of Work include performance goals/objectives, activities/strategies, and targeted outcomes based on the needs assessment?				
10	Does each specific activity have a results oriented performance target outcome? (For example: data showing OJTs improvement in the effectiveness of job skills, increased job placement, etc. as a result of training; data showing increase in contractors hiring OJTs as a result of training/service provided; data showing an increase in the number of minorities, women and the disadvantaged individuals working on Federal-aid highway construction projects as a result of recruitment, training, etc.)				
11	Does each specific activity indicate a timeframe for performance completion? (For example: By August 2008, there will be a 5 percent increase in the number of minorities, women, and the disadvantaged participating on Federal-aid highway construction projects).				
	Score		0	0	

No.	Program Activities	Reference	Score	Total Score	Comments
EXPECTED OUTCOMES					
12	Does the statement of work have an expected outcome that includes an increase in the number of current/potential OJTs capable of working in the highway construction industry and transportation related careers (For example: increase of net income of participants [as a result of services provided]; increase in the number of OJTs working on federally funded contracts/subcontract; improvement results demonstrated in pre and post program implementation survey tools; improvement results demonstrated in evaluations of OJTs and contractors, etc.) ?				
13	Does the statement of work have an expected outcome that includes an increase in the number of minorities, women, and the disadvantaged individuals who are capable of participating on Federal-aid highway construction project?				
Score			0	0	
PERFORMANCE PERIOD					
14	Does the Statement of Work clearly establish the beginning and ending date (performance period) for delivering services?				
15	Does the Statement of Work estimate when specific services or tasks will be provided or completed?				
16	Does the Statement of Work have a performance period not to exceed one year?				
Score			0	0	
REPORTING REQUIREMENTS					
17	Does the Statement of Work include monthly or quarterly reports which include sufficient data and narrative regarding the accomplishments for each goal or objective in order to determine OJT/SS program performance, identify problems, and identify solutions?				
18	Does the statement of work indicate that monthly or quarterly reports will be submitted to the FHWA division office?				
19	Does the Statement of Work include an Annual Report required within 60 calendar days after the fourth quarter (MUST INCLUDE: comprehensive account of accomplishments, concerns identified and resolutions implemented, recommendations for improvement, and other items impacting the OJT/SS program)?				
Score			0	0	

No.	Program Activities	Reference Page No.	Score	Total Score	Comments
BUDGETING AND FINANCIAL REQUIREMENTS					
20	Does the budget identify costs and expenses which are prudent, relevant and reasonable for achieving the goals of the OJT/SS program?				
21	If the budget includes “overhead costs” are they identified specifically and are they reasonable? (OJT/SS funds are NOT to be used for Salaries for a STA’s staff to administer an “in-house” OJT/SS; for training STA staff; for equipment purchases; or non-highway construction or transportation related career activities)?				
22	Does the Statement of Work include a Performance based budget (identifies specific tasks/activities, the dollar value for each task and date of expected completion)?				
23	Does the Statement of Work include an Operational based budget (Itemized list of all expenses NOT tied to specific tasks; for example: Salaries of staff; fringe benefits; travel expenses; office expenses; technical training and seminars [i.e. meeting space, trainers, equipment rental]; and other expenses [i.e. printing, membership, etc.]?)				
24	Are State funds using ½ of 1percent optional funding authorized by 23 USC 140 (b) being used to support the project?				If not, does statement of work justify why it could not be done?
	Score		0	0	
MONITORING AND EVALUATION					
25	If the OJT/SS program is consultant-based , does the statement of work include procedures that require evaluations to be sent to STA’s? OR If the OJT/SS program is an in-house program, does the statement of work include procedures that require evaluations to be sent to the FHWA Division Office				
	Score		0	0	

No.	Program Activities	Reference Page No.	Score	Total Score	Comments
PARTNERSHIPS					
26	Is the STA actively involved in the delivery of supportive services by augmenting the activities funded by FHWA (for example: STA providing staff salaries, staff training, and any other direct assistance that facilitates program implementation)? STRONGLY ENCOURAGED				
27	Is the State contributing in-kind services? STRONGLY ENCOURAGED				
28	Are partners identified with commitments and/or contributions clearly stated (i.e. industry contractors, training providers, tribal governments, community and/or faith-based organizations, HBCUs or other MIHEs, and/or other interested partners OFFICIAL LETTERS FROM PARTERS STATING SERVICES THEY ARE PROVIDING AND THEIR COMMITMENT TO THE PROJECT MUST BE PROVIDED				
	Score		0	0	
	Total Score		0	0	
Evaluated by:					

DOCUMENTATION

IV. OJT/SS Statement of Work State Check List FHWA Headquarters Office of Civil Rights

Project Title

No.	Program Activities	Reference Page No.	Yes/No	Comments
QUALIFICATIONS FOR FUNDING				
1	Is the program designed to aid the State Transportation Agency (STA) in increasing number of qualified individuals gaining work experience for highway construction industry and transportation related careers?			
2	Is the program designed to increase the effectiveness of approved on-the-job training programs, particularly their effectiveness in providing meaningful training opportunities for minorities, women, and the disadvantaged individuals on Federal-aid highway projects?			
3	Is the existing OJT/SS project innovative; and does it have the potential to serve as a national training model for targeted group (s) which supports national initiatives to provide new and better strategies for enhancing collaborative efforts to increase training and employment opportunities for targeted groups?			
SCOPE OF WORK				
4	Has the STA who administers the OJT/SS Program with their own staff ("in-house"), as well as those who provide OJT/SS through an outside consultant, conducted a needs assessment of the prime contractors and potential OJT candidates (for example: conducting surveys, reviewing internal data regarding OJT participation, obtaining input from OJT service providers, construction company owners, OJTs, and state construction and project engineers who have knowledge of OJT performance on highway projects)? (MUST be completed PRIOR to writing scope of work)			
5	Does the needs assessment include an evaluation of the current barriers to potential OJTs and contracting firms participating in the Federal-aid highway construction program?			
6	Does the scope of work address the issues identified in the needs assessment?			
7	Is the scope of work a clear, complete and detailed statement of services (i.e.. such as services to construction contractors, subcontractors, and trainees, for recruiting, counseling, remedial educational training, assistance in the acquisition of tools, special equipment, transportation to worksites, skills training, job placement, job site mentoring, mediation, post graduation placement, etc.) which will be provided and based on the needs assessment?			

No.	Program Activities	Reference Page No.	Yes/No	Comments
8	Does the scope of work include other services that contribute to the long-term development of OJT's and that assist contractors with meeting their workforce needs and OJT obligations?			
9	Does the Statement of Work include performance goals/objectives, activities/strategies, and targeted outcomes based on the needs assessment?			
10	Does each specific activity have a results oriented performance target outcome? (For example: data showing OJTs improvement in the effectiveness of job skills, increased job placement, etc. as a result of training; data showing increase in contractors hiring OJTs as a result of training/service provided; data showing an increase in the number of minorities, women and the disadvantaged individuals working on Federal-aid highway construction projects as a result of recruitment, training, etc.)			
11	Does each specific activity indicate a timeframe for performance completion? (For example: By August 2008, there will be a 5 percent increase in the number of minorities, women, and the disadvantaged participating on Federal-aid highway construction projects).			
	Score			

EXPECTED OUTCOMES

12	Does the Statement of Work have an expected outcome that includes an increase in the number of current/potential OJTs capable of working in the highway construction industry and transportation related careers (For example: increase of net income of participants [as a result of services provided]; increase in the number of OJTs working on federally funded contracts/subcontract; improvement results demonstrated in pre and post program implementation survey tools; improvement results demonstrated in evaluations of OJTs and contractors, etc.) ?			
13	Does the Statement of Work have an expected outcome that includes an increase in the number of minorities, women, and the disadvantaged individuals who are capable of participating on Federal-aid highway construction project?			
	Score		0	

PERFORMANCE PERIOD

14	Does the Statement of Work clearly establish the beginning and ending date (performance period) for delivering services?			
15	Does the Statement of Work estimate when specific services or tasks will be provided or completed?			
16	Does the Statement of Work have a performance period not to exceed one year?			
	Score			

No.	Program Activities	Reference Page No.	Yes/No	Comments
REPORTING REQUIREMENTS				
17	Does the Statement of Work include monthly or quarterly reports which include sufficient data and narrative regarding the accomplishments for each goal or objective in order to determine OJT/SS program performance, identify problems, and identify solutions?			
18	Does the Statement of Work indicate that monthly or quarterly reports will be submitted to the FHWA division office?			
19	Does the Statement of Work include an Annual Report required within 60 calendar days after the fourth quarter (MUST INCLUDE: comprehensive account of accomplishments, concerns identified and resolutions implemented, recommendations for improvement, and other items impacting the OJT/SS program)?			
Score				
BUDGETING AND FINANCIAL REQUIREMENTS				
20	Does the budget identify costs and expenses which are prudent, relevant and reasonable for achieving the goals of the OJT/SS program?			
21	If the budget includes “overhead costs” are they identified specifically and are they reasonable? (OJT/SS funds are NOT to be used for Salaries for a STA’s staff to administer an “in-house” OJT/SS; for training STA staff; for equipment purchases; or non-highway construction or transportation related career activities)?			
22	Does the Statement of Work include a Performance based budget (identifies specific tasks/activities, the dollar value for each task and date of expected completion)?			
23	Does the Statement of Work include an Operational based budget (Itemized list of all expenses NOT tied to specific tasks; for example: Salaries of staff; fringe benefits; travel expenses; office expenses; technical training and seminars [i.e. meeting space, trainers, equipment rental]; and other expenses [i.e. printing, membership, etc.]?)			
24	Are State funds using ½ of 1percent optional funding authorized by 23 USC 140 (b) being used to support the project?			If not, does statement of work justify why it could not be done?
Score				

No.	Program Activities	Reference Page No.	Yes/No	Comments
MONITORING AND EVALUATION				
25	If the OJT/SS program is consultant-based , does the Statement of Work include procedures that require evaluations to be sent to STA's? OR If the OJT/SS program is an in-house program, does the statement of work include procedures that require evaluations to be sent to the FHWA Division Office			
SCORE				
PARTNERSHIPS				
26	Is the STA actively involved in the delivery of supportive services by augmenting the activities funded by FHWA (for example: STA providing staff salaries, staff training, and any other direct assistance that facilitates program implementation)? STRONGLY ENCOURAGED			
27	Is the State contributing in-kind services ? STRONGLY ENCOURAGED			
28	Are partners identified with commitments and/or contributions clearly stated (i.e. industry contractors, training providers, tribal governments, community and/or faith-based organizations, HBCUs or other MIHES, and/or other interested partners OFFICIAL LETTERS FROM PARTERS STATING SERVICES THEY ARE PROVIDING AND THEIR COMMITMENT TO THE PROJECT MUST BE PROVIDED			
Evaluated by:				

DOCUMENTATION**V. On-the-Job Supportive Services
Statement of Work
Submitted by STATE USA****TOTAL FUNDING REQUEST \$214,350.****A. Needs Assessment****1. OJT/SS Program Goal:**

STATE USA requests funding for supportive services that will increase the total number of minorities, women, and disadvantaged individuals in our community participating in Federal-aid highway construction.

2. Annual Needs Assessment:

In order to determine what supportive services would increase participation of the target population, STATE USA conducted an annual needs assessment in July 2010 to determine what the current barriers are that prevents the targeted population from participating in Federal-aid highway construction.

In July 2010, surveys were electronically mailed to potential OJT participants, OJT service providers, STATE USA construction company owners, STATE USA program and construction engineers and other related STATE USA entities. Electronic surveys were followed by hard copy surveys to all participants and related entities.

In addition, STATE USA OJT/SS staff met with STATE USA STA to identify current and future STATE USA Federal-aid highway construction programs and identify workforce needs based on these programs.

3. Results of Needs Assessment:

a. Current and future STATE USA Federal-aid highway construction programs: Beginning in fiscal year 2010 and ending on June 30, 2013: a \$147 million dollar program for the reconfiguration of the intersection of I-95 and STATE USA 316 and the reconstruction of exit 14 on I-395 in Community A.

b. Jobs Identified: Based on the highway construction programs identified, the following types of skilled laborers are needed: blasters; specialists in bridge building, roadbed construction, landscaping; cement pavers, carpenters; equipment operators; surveyors; and drillers. Through a voting procedure, STATE USA's focus group participants chose the a comprehensive training program providing pre-apprenticeship training in cement paving for STATE USA's OJT/SS 2010 program.

c. Skills Necessary for Jobs Identified: Cement masons are responsible for all concrete construction, including pouring and finishing of slabs, steps, wall tops, curbs and gutters, sidewalks, paving and other concrete construction. They handle terrazzo, magnesite, epoxy, polymer and other plastic materials for topping repair and injection. Cement masons are responsible for all preparation and repairing of concrete. They also set forms and pins for slabs, steps, curbs and gutters, and paving. A cement mason must be physically fit and may be required to carry and handle weights of up to 100 pounds. The job often demands eight hours of continuous physical labor. Teamwork is essential as well as self-discipline when working alone. Fine craftsmanship skills, precision and finesse are also necessary qualities.

d. Current Barriers for Targeted Group: Five current barriers to federal-aid highway construction program employment were identified by the needs assessment: lack of transportation, lack of child care, lack of construction tools, lack of training and lack of basic skills. Through a voting procedure, STATE USA's focus group participants chose to implement the STATE OJT/SS 2010 program to include the following supportive services: provide a comprehensive training program providing apprenticeship training in cement paving, provide basic skills courses in preparation for the general education degree (GED) test; provide child care for target group participants who gain full or part time employment, and provide construction tools for target group participants who gain full or part time employment. A prerequisite for enrollment in the apprenticeship training program is that all participants have a high school diploma or GED certificate. Because a majority of the targeted group reported (on the needs assessment) that they lacked these educational requirements, the OJT/SS program will offer GED preparation classes and GED testing to participants.

B. Purpose Statement

STATE USA is requesting **\$214,350** in funding to provide highway construction industry skills training, tools and equipment, and child care services, as identified as current barriers in the July 2010 needs assessment, to minorities, women, and the disadvantaged in order to increase the targeted group's participation in the highway construction workforce.

C. Program Goals

Based on data collected from the July 2010 needs assessment, STATE USA expects to achieve the following three goals at the end of the OJT/SS program's performance period:

1. Provide hands-on highway construction training and apprenticeship programs to increase the level of skills needed in the highway construction industry for minorities, women, and disadvantaged individuals.
2. Provide basic education skills and GED preparation instruction to OJT/SS participants in order to complete the prerequisite requirements necessary to enter the apprenticeship program.
3. Provide construction tools and equipment to minorities, women, and disadvantaged individuals in order to support their continued employment on Federal-aid highway construction jobs.
4. Provide child care services to minorities, women, and disadvantaged individuals in order to support their continued employment on Federal-aid highway construction jobs.

D. Result-oriented Objectives

GOAL #1:

Provide hands-on highway construction training and apprenticeship programs in cement paving to increase the level of skills needed in the highway construction industry for minorities, women, and disadvantaged individuals.

Objective Elements:

- a. *Services:* apprenticeship training in highway construction
- b. *Measurable Achievement:* At least 15 members of target population will complete cement paving training with 100 percent attaining full or part time employment on Federal-aid highway construction jobs.
- c. *Time period:* By July 1, 2011

Result-Oriented Objective:

Provide highway construction hands-on training and apprenticeship program in cement paving to targeted population with at least 15 participants graduating and 100 percent of graduates attaining full or part time employment on Federal-aid highway construction jobs by July 1, 2011.

GOAL #2:

Provide GED preparation courses for the successful completion of the GED test as a prerequisite necessary to enter the cement paving training apprenticeship program for minorities, women, and disadvantaged individuals.

Objective Elements:

- a. *Services:* GED preparation classes, GED application processing, GED testing
- b. *Measurable Achievement:* At least 15 members of target population will complete GED preparation classes and GED examination with 100 percent successfully passing the GED test.
- c. *Time period:* By July 1, 2011

Result-Oriented Objective:

Provide GED test preparation courses and GED testing to targeted population with at least 15 participants successfully passing the GED test in order to qualify for the cement paving apprenticeship program by July 1, 2010.

GOAL #3:

Provide construction tools and equipment to minorities, women, and disadvantaged individuals in order to support their continued employment on Federal-aid highway construction jobs.



Objective Elements:

- a. *Services:* construction tools and equipment
- b. *Measurable Achievement:* 100 percent of target population will receive construction tools and equipment necessary to continue/attain full or part time employment on Federal-aid highway construction jobs.
- c. *Time period:* By November 1, 2010

Result-Oriented Objective:

Provide necessary construction tools and equipment to 100 percent of the targeted population for continued full or part time employment on Federal-aid highway construction jobs by November 1, 2010.

GOAL #4:

Provide child care services to minorities, women, and disadvantaged individuals in order to support their continued employment on Federal-aid highway construction jobs.

Objective Elements:

- a. *Services:* Child Care services
- b. *Measurable Achievement:* 100 percent of target population will be provided child care services necessary to continue/attain full or part time employment on Federal-aid highway construction jobs.
- c. *Time period:* By November 1, 2010

Result-Oriented Objective:

Provide child care services to 100 percent of the targeted population necessary for continued full or part time employment on Federal-aid highway construction jobs by November 1, 2010.

E. Scope of Work

Goal #1

Provide hands-on highway construction training and apprenticeship programs to increase the level of skills needed in the highway construction industry for minorities, women, and disadvantaged individuals.

Narrative:

STATE USA has partnered with ABC Community Trade School. ABC Community Trade School has implemented successful cement paving training and apprenticeship programs for adults since 2000. The cement paving training program follows the Department of Labor's guidelines for apprenticeship trade programs [See www.doleta.gov]. This comprehensive program takes three years to complete and includes 4000-6000 hours of on-the-job training. In addition, training includes another 144 to 168 hours of classroom instruction per year. To remain in good standing an apprentice must fulfill the educational requirements and make steady progress.

The following requirements have been established to comply with STATE USA employment requirements and insurance regulations and to ensure the safety and well-being of OJT/SS participants and their co-workers.

1. The applicant must be a minimum of eighteen (18) years of age (Applicants must bring proof of age).
2. The applicant must be physically able to perform the work of the trade.
3. Applicants must be able to read and write the English language in order to comprehend instructions on the job and in related training classes, and to ensure personal and co-worker safety on the job.
4. An applicant must complete all application forms and provide evidence of legal employable status in the United States of America.
5. Applicants must show have a high school diploma or GED certification.

Timeline for Activities:

Activities	Person Responsible	Date
<i>Identify at least 20 OJT/SS program participants committed to enroll in and complete the cement paving training and apprenticeship program.</i>	<i>OJT/SS program administrator, program director, staff</i>	<i>August/September 2010</i>
<i>OJT/SS program participants will fill out applications for training at ABC Community Trade School as well as apprenticeship work assignment placement applications.</i>	<i>OJT/SS program director, staff</i>	<i>August/September 2010</i>
<i>OJT/SS program participants will begin cement paving training classes.</i>	<i>OJT/SS program director, ABC Community Trade School Coordinator, Cement Paving instructor</i>	<i>September 2010</i>
<i>OJT/SS participants will begin apprenticeship training at designated work-sites.</i>	<i>OJT/SS program director, ABC Community Trade School Coordinator, Cement Paving instructor</i>	<i>October 2010</i>
<i>OJT/SS participants will be provided support through weekly phone contacts and monthly meetings held at ABC trade school.</i>	<i>OJT/SS program director, staff, ABC Community Trade School Cement Paving Instructors, staff</i>	<i>Ongoing-weekly, monthly from September 2010- July 2010.</i>

Goal # 2

Provide GED preparation courses for the successful completion of the GED test as a prerequisite necessary to enter the cement paving training apprenticeship program for minorities, women, and disadvantaged individuals.

Narrative:

In order to be enrolled in the cement paving training program, students must have a high school diploma or GED. Therefore, ABC Community Trade School will also provide GED preparation classes for qualified OJT/SS program participants who do not have a high school diploma. ABC Community Trade School has offered GED preparation courses since 2000. In addition, ABC Community Trade School will provide one-on-one GED tutoring for participants, help participants fill out the application for GED testing and arrange for GED testing on site.

Timeline for Activities:

Activities	Person Responsible	Date
<i>Identify OJT/SS participants who do not meet the prerequisites for the cement paving training and apprenticeship program (do not have high school diploma/GED)</i>	<i>OJT/SS program director, staff</i>	<i>August/September 2010</i>
<i>Participants identified will be administered a basic skills needs assessment to determine what GED skill preparation classes are needed prior to the exam.</i>	<i>OJT/SS program director, staff</i>	<i>August/September 2010</i>
<i>Participants will take a practice GED exam to familiarize themselves with the exam and also to assess where they need more help.</i>	<i>OJT/SS program director, staff</i>	<i>August/September 2010</i>
<i>School staff will help participants fill out the GED examination application form; the GED exam will be administered on site at the end of the training period.</i>	<i>OJT/SS program director, staff</i>	<i>August/September 2010</i>
<i>Participants will enroll in specific skill preparation classes as determined by their needs assessment and GED practice exam results.</i>	<i>OJT/SS program director, staff</i>	<i>August/September 2010</i>
<i>Participants will begin classes and attend computer lab training to improve their basic skills in preparation for the GED test.</i>	<i>OJT/SS program director, ABC Community Trade School Coordinator, Cement Paving instructor</i>	<i>September 2010</i>
<i>School staff will make weekly phone calls to students to offer support and get feedback on how their studying is progressing; to be held at ABC trade school.</i>	<i>OJT/SS program director, ABC Community Trade School Coordinator, staff</i>	<i>September 2010-November 2010</i>
<i>School staff will provide an hour "study preparation/test-taking skills" program each month for OJT/SS participants; to be held at ABC trade school; topics will include: time management, dealing with test anxiety, test taking skills, test day preparation, improving memory, etc.</i>	<i>OJT/SS program director, ABC Community Trade School Coordinator, staff</i>	<i>September 2010-November 2010</i>
<i>OJT/SS participants will take the GED test held at ABC trade school</i>	<i>OJT/SS program director, ABC Community Trade School Coordinator, staff</i>	<i>November 2010</i>

Goal #3

Provide construction tools and equipment to minorities, women, and disadvantaged individuals in order to support their continued employment on Federal-aid highway construction jobs.

Narrative:

STATE USA has partnered with ABC Tool Distributors (ABC) and XYZ Handyman Accessories (XYZ). Both ABC and XYZ have numerous locations within STATE USA making them accessible to OJT/SS participants throughout the State. This partnership will provide a service to help with the purchase of necessary clothing and construction tools for use on the job. The OJT/SS program will provide identified OJT/SS participants with vouchers to be used to at ABC and XYZ in exchange for necessary job-related items.

OJT/SS participants and contractors will meet with the OJT/SS program director in order to determine the needs based on the job requirements. The OJT/SS program director will then authorize a voucher with a specific dollar amount for use at the most convenient location. Use of the OJT/SS participant voucher will eliminate the need for the OJT/SS participant to pay cash to make the purchase and then wait for reimbursement from STATE USA.

The OJT/SS participant is not obligated to use a voucher if shopping at a store that doesn't accept an OJT/SS program voucher is preferred. As long as receipts are submitted to the OJT/SS program office for reasonable, pre-approved purchases, we will reimburse the OJT/SS participant. The process usually takes a minimum of two weeks.

The following materials are necessary for cement mason apprentices: three trowels (varying in size to fit work), one pointer (trowel), one set of coving tools (1 nose and 1 cove), one wood hand float, one rubber float, one hammer, one sledge hammer, one hand saw, three hand edgers (1/4", 1/2", and 3/4" radius to match coving tools), one set of knee pads, one hand brush (paint brush), two levels (1 pocket and 1-24" or longer), one pair pliers with side cutter, one measuring tape, one roll nylon cord (300'), one carpenters pencil, one marking crayon, and one nail apron.¹

Timeline for Activities:

Activities	Person Responsible	Date
<i>STATE USA OJT/SS partners with ABC Tool Distributors and XYZ Handyman Accessories; ABC and XYZ agree to provide discounted construction tools to OJT/SS participants.</i>	<i>OJT/SS program administrator and program director</i>	<i>August 2010</i>
<i>OJT/SS participants working full or part time on Federal-aid highway construction jobs are identified</i>	<i>OJT/SS program director, staff</i>	<i>Ongoing August 2010- July 2011</i>
<i>OJT/SS staff interview OJT/SS participants and employer to identify construction tool needs related to the participants employment</i>	<i>OJT/SS program director, staff</i>	<i>Ongoing August 2010- July 2011</i>
<i>OJT/SS participant fills out a form identifying the construction tools needs and receives a voucher to obtain tools at either ABC or XYZ companies.</i>	<i>OJT/SS program director, staff</i>	<i>Ongoing August 2010- July 2011</i>

¹ See [National Office of Operative Plasterers' and Cement Masons http://www.opcmialocal300.org/](http://www.opcmialocal300.org/); See also California Apprenticeship Programs as <http://www.calapprenticeship.org/Programs.htm>.

Activities	Person Responsible	Date
<i>OJT/SS participants are informed that once tools are approved by OJT/SS staff, participants may purchase necessary tools at other locations and turn receipts into OJT/SS staff for reimbursement.</i>	<i>OJT/SS program director, staff</i>	<i>Ongoing August 2010- July 2011</i>
<i>OJT/SS participants are informed that participants who leave job prior to job completion must return construction tools to OJT/SS staff.</i>	<i>OJT/SS program director, staff</i>	<i>Ongoing August 2010- July 2011</i>
<i>OJT/SS participants are informed that if they complete job, the construction tools received are theirs to keep.</i>	<i>OJT/SS program director, staff</i>	<i>Ongoing August 2010- July 2011</i>

Goal # 4

Provide child care services to minorities, women, and disadvantaged individuals in order to support their continued employment on Federal-aid highway construction jobs.

Narrative:

STATE USA has partnered with ABC Childcare and XYZ Childcare located in STATE USA to provide childcare for OJT participants who qualify (OJT participants who have gained full or part time employment on a Federal-aid highway construction program). ABC Childcare and XYZ Childcare have offered discounted childcare rates and waiver of application fees as part of their partnership with the OJT/SS program.

All day childcare will be provided from 6am-6pm for children under age five. Aftercare will be provided from 2pm-6pm for children ages 5 through 13. ABC Childcare and XYZ Childcare will provide a morning pickup service for children in the all day childcare program and will provide a school pickup service for children in the afternoon program. ABC Childcare and XYZ Childcare will provide a drop off service to the children's homes in the evening. In addition, all day childcare children will be provided breakfast, two snacks, and a lunch. After school childcare children will be provided a snack.

Activities	Person Responsible	Date
<i>Meet with ABC and XYZ childcare to view site, meet teachers</i>	<i>OJT/SS program administrator, OJT/SS program director</i>	<i>August 2010</i>
<i>Identify OJT participants who qualify for childcare services</i>	<i>OJT/SS program director, staff</i>	<i>August/September/ October 2010</i>
<i>OJT participants identified will fill out paperwork to enroll children in childcare; set up schedule for pick up and drop off for children (coordinate with work schedule)</i>	<i>OJT/SS program director, staff</i>	<i>August/September/ October 2010</i>
<i>OJT participants who have filled out paperwork will view childcare sites with children and meet teachers</i>	<i>OJT/SS program director, staff</i>	<i>August/September/ October 2010</i>
<i>Childcare services will be provided for identified OJT participants (services will begin based on OJT participants' employment dates)</i>	<i>OJT/SS program director, staff</i>	<i>August/September/ October</i>

Activities	Person Responsible	Date
ABC Childcare and XYZ Childcare will provide weekly invoices to OJT/SS program for payment of childcare services	OJT/SS program director, OJT/SS program administrator	Weekly August 2010- July 2011
OJT/SS staff will provide invoices to STA for reimbursement for childcare services	OJT/SS program administrator OJT/SS program director	Monthly August 2010- July 2011
ABC Childcare and XYZ Childcare services will be reviewed through visitation of sites, interviews with parents, interviews with employers to ensure that services are being performed appropriately and in coordination with employment requirements.	OJT/SS program director	Monthly August 2010- July 2011
OJT/SS will pay invoices to ABC Childcare and XYZ childcare for services performed.	OJT/SS program administrator OJT/SS program director	Bi-monthly August 2010- July 2011

F. Evaluation and Monitoring Plan

Program Objective #1:

Provide highway construction hands-on training and apprenticeship program in cement paving to targeted population with at least 15 participants graduating and 100 percent of graduates attaining full or part time employment on Federal-aid highway construction jobs by July 1, 2011.

- A. **Evidence that will demonstrate achievement** of Objective #1:
Attendance records, monthly conference report, skills assessments
- B. **Evaluate information that will be collected:** The above evidence (A) will be kept to provide the following evaluative information: # of participants enrolled in program, monthly classroom and on-site attendance record for each participant, on-going (monthly) assessment (both written and performance based) of skills for each participant, monthly evaluation by supervisor, instructor, and contractor for each participant, monthly conference meeting notes identifying strengths, weaknesses, areas in need of improvement, conducted monthly by instructors, supervisors and contractors for each participant.
- C. **Person(s) responsible for collection of information:** Program Director
- D. **Person(s) responsible for analysis of collected information and providing report to**
FHWA Program Administrator

Program Objective #2:

Provide GED test preparation courses and GED testing to targeted population with at least 15 participants successfully passing the GED test in order to qualify for the cement paving apprenticeship program by July 1, 2010.

- A. Evidence that will demonstrate achievement of Objective #2:**
Attendance records, monthly conference report, skills assessments, monthly computer progress report of GED skills
- B. Evaluate information that will be collected:** The above evidence (A) will be kept to provide the following evaluative information: # of participants enrolled in program, monthly classroom attendance record for each participant, on-going (monthly) assessment (both written and performance based) of GED skills for each participant, monthly evaluation by instructor for each participant, monthly conference meeting notes identifying strengths, weaknesses, areas in need of improvement, conducted monthly by instructors for each participant, attendance record of tutorial services and study skills classes for each participant, monthly progress report generated by GED computer assessment skills for each participant.
- C. Person(s) responsible for collection of information:** Program Director
- D. Person(s) responsible for analysis of collected information and providing report to FHWA Program Administrator**

Program Objective #3:

Provide necessary construction tools and equipment to 100 percent of the targeted population for continued full or part time employment on Federal-aid highway construction jobs by November 1, 2010.

- A. Evidence that will demonstrate achievement of Objective #3:**
Participant enrollment/attendance records, participant employment records, participant job assignments, participant and employer tools request submission records, voucher records, ABC and XYZ company in voices.
- B. Evaluate information that will be collected:** # of participants working full and part time on Federal-aid highway construction worksites, construction tool request submissions, # of vouchers utilized, invoice of tools and dollar value of tools received by participants, employment records of participants.
- C. Person(s) responsible for collection of information:** Program Director
- D. Person(s) responsible for analysis of collected information and providing report to FHWA Program Administrator**

Program Objective #4:

Provide child care services to 100 percent of the targeted population necessary for continued full or part time employment on Federal-aid highway construction jobs by November 1, 2010.

- A. Evidence that will demonstrate achievement** of Objective #4: child care application requests, child care enrollment applications, child care attendance, participant employment record.
- B. Evaluate information that will be collected:** # of children enrolled, # of children for each participant, # of participants employed full or part time, # of children in attendance each day/week/month; participants employment record of attendance
- C. Person(s) responsible for collection of information:** Program Director
- D. Person(s) responsible for analysis of collected information and providing report** to FHWA Program Administrator

G. Reporting Requirements

STATE USA's OJT/SS program will submit monthly reports at the end of each month beginning in August 2010 and ending in July 2011. In addition, STATE USA's OJT/SS program will provide an annual performance report in July 2011. The monthly and annual reports will include the data collection process and analysis methods used to measure each program. In addition, monthly reports and the final annual report will describe the extent to which progress has been made in achieving the program's written objectives, as well as, any problems and possible solutions for overcoming those problems.

Monthly/Quarterly Reports

The Program Director will be responsible for submitting the monthly reports detailing the services provided and ongoing progress toward the performance measurements of the program. The Program Director will provide three (3) copies of the monthly reports. The monthly reports will include the following:

- Accomplishments during the reporting period.
- Additional items that may impact performance.
- Problems encountered and recommendations made and implemented.
- Status of goal attainment.
- All entries will be quantified and qualified for purposes of measurement.
- Budget Status that reflects the total program funding, expenditures to date of report, explanation of deviation, if any from planned expenditure programs.

Monthly reports will be forwarded to FHWA on a quarterly basis (by the 15th day after the end of each quarter) for review throughout the program period

Annual/Final Report

The Program Director will prepare an annual report upon the one year completion of OJT/SS program implementation. The Program Director will prepare a Final Report which will include the following:

- Comprehensive account of accomplishments.
- Concerns identified and resolutions implemented.
- Recommendations for improvement.
- Other items impacting performance.
- Status of goal attainment.
- All entries will be quantified and qualified for purposes of measurement.

The final report will be submitted to FHWA within 60 days after completion of the pilot program in accordance with the OJT/SS guidelines.

Quarterly and final reports will be submitted to:

**Federal Highway Administration
Office of Civil Rights-Room 4132
400 Seventh Street, S.W.
Washington, DC 20590
Attention: OJT/SS Coordinator**

H. Performance Period

STATE USA's OJT/SS program will begin on October 1, 2010 and end on September 30, 2011, for a total performance period of one year.

I. Program Personnel, Resources and In-Kind Contributions

1. ***OJT/SS Program Administrator:*** MARY ADMINISTRATOR has been named program administrator for STATE USA's OJT/SS program. Ms. Administrator has had extensive experience in managing federally funded programs and has demonstrated success of such programs under her leadership. Ms. Administrator will oversee the implementation of the OJT/SS program. In addition, Ms. Administrator will attend meetings with personnel, the program director, and partners. Ms. Administrator is responsible for implementing the OJT/SS statement of work according to the funding requirements of the FHWA Office of Civil Rights.
2. ***OJT/SS Program Director:*** DANNY DIRECTOR has been named program director for STATE USA's OJT/SS program. Mr. Director has had extensive experience in operating federally funded programs and has demonstrated success of such programs under his leadership. Mr. Director will be responsible for the day-to-day operations of the OJT/SS program. In addition, Mr. Director will attend meetings with personnel, the program director, and partners. Mr. Director is responsible for implementing the OJT/SS statement of work according to the funding requirements of the FHWA Office of Civil Rights.

J. Partnerships

STATE USA's OJT/SS program has developed strong partnerships which maximizes and leverages its resources to enhance the effectiveness of its Supportive Services. These partnerships with local public and private organizations will initiate outreach and recruitment efforts targeted to people with disabilities, women, minorities, disabled veterans, welfare recipients, low-income disadvantaged persons, ex-offenders, former military personnel, and individuals with limited English proficiency (LEP).

Partnerships established include the following: STATE USA Highway Administration, STATE USA Highway Division Office, STATE USA Department of Transportation, STATE USA Hispanic University, STATE USA Women's College, STATE USA Historically Black University, STATE USA Small Business Administration, STATE USA Vocational Schools, STATE USA prime contractors, STATE USA contractors associations, STATE USA Community leaders, STATE USA economic development associations, STATE USA Department of Labor, STATE USA one-stop career centers, STATE USA public and private secondary education schools, and STATE USA Unemployment Offices.

Each partner has agreed to share information, resources, and be committed to successfully implementing the year-long OJT/SS program. In addition, partnership agreements or cooperative agreements have been executed to ensure that all parties understand the goals and objectives of the OJT/SS program, and agree on their roles and responsibilities. (***SEE ATTACHMENT 2: EXAMPLE OF PARTNERSHIP AGREEMENT***).

The following is a list of partners and a brief summary that describes their contribution to STATE USA's OJT/SS program:

STATE USA Highway Administration:

The STATE USA HWA will provide oversight for the OJT/SS program, in addition, to the following:

- provide the Program Director access to all available, pertinent, and necessary information regarding Federal-aid highway construction programs; such information will include information on upcoming programs, contractors awarded bids, jobs needed for programs, programmed number of workers, programmed start and end dates and the use of facilities and equipment as feasible.
- provide relevant data and information to the Program Director to facilitate employment opportunities for the OJT/SS participants.
- provide sample apprenticeship programs, equipment requirements, employment requirements, OJT training programs.
- partners will serve as a liaison for stakeholders within the program.
- partners will make available to the program director any survey results or pertinent information that can aid in the development of program participants.
- partners will make available to the program director, all contracting resources afforded to companies that do business with them

STATE USA DEPARTMENT OF TRANSPORTATION

- As a committed partner STATE USA DOT will provide in-kind services; STATE USA DOT will allocate \$100,000 of funds for this workforce initiative through the usage of SAFETEA-LU funds.

FEDERAL HIGHWAY ADMINISTRATION (FHWA) HEADQUARTERS OFFICE OF CIVIL RIGHTS (HCR) AND DIVISION OFFICE

- The FHWA HCR will support the OJT/SS program by providing workforce development (OJT/SS) funding under 23 USC 140(b). In addition, the HCR will provide leadership and technical assistance on the development and implementation of the OJT/SS program.
- The FHWA Division office will work directly with the OJT/SS program to provide local oversight of the program throughout the life of the program. The Division office is also responsible for monitoring and evaluation to assess progress and shortfalls.

PRIME CONTRACTORS AND ASSOCIATION

- Prime contractors will provide employment and training opportunities for participants enrolled in the OJT/SS program.
- Identified prime contractors will serve as mentors, presenters, and share information and resources to help OJT/SS participants enter the workforce.
- Prime contractors will work with their associations to facilitate partnerships and relationships with OJT/SS participants and skilled employees.

BANKING INSTITUTES

- Community banking institutes will provide \$20,000 in funding for OJT/SS program to support child care services needed by OJT/SS participants.

ONE-STOP CAREER CENTERS

- Will provide OJT/SS participants with resume, interviewing, communication, and employment related services.

CONTRACTOR ORGANIZATIONS AND TRADE ASSOCIATIONS

- Contractor organizations and trade associations will help OJT/SS participants with up to date technological and apprenticeship training.

ASSOCIATION OF GENERAL CONTRACTORS (AGC)

- The OJT/SS program director will work directly with the AGC to provide access to activities and programs. The AGC will help the OJT/SS program develop a mentor protégé program and facilitate its implementation. The AGC will serve as a key partner for networking and building relationships that facilitate joint ventures and matchmaking contract opportunities.

ROAD BUILDERS

- OJT/SS program will partner with Road Builders to provide assistance to OJT/SS participants with those training/mentoring services provided through Road Builders Associations, as deemed feasible.

ASSOCIATED BUILDERS & CONTRACTORS (ABC)

- The OJT/SS Program Director will partner with ABC to facilitate employment opportunities for OJT/SS participants. As the only national construction, trade association devoted exclusively to promoting and defending the “merit shop” way on construction. The Program Director will partner with ABC to link their membership with OJT/SS participants. ABC’s objective is to provide its members with an organization to deal with issues on an industry-wide basis. ABC’s activities encompass government representation, legal advocacy, education, workforce development, communications, technology, recognition through national and chapter awards programs, employee benefits, information on best practices and business development.

MINORITY CONTRACTING ASSOCIATIONS

- OJT/SS will partner with minority contracting associations in the STATE USA area to provide networking opportunities that facilitate OJT/SS participant's individual growth and development. These associations have a variety of members and clients, including an extensive integrated network of resources.

COMMUNITY BASED ORGANIZATIONS (CBO)

- Organizations such as the Urban League, and others will serve as partners that can assist with providing classroom training, use of facilities, and serving on committees. The OJT/SS Program Director will also work with CBOs to integrate their existing workforce development activities into the program.

FAITH-BASED INITIATIVES

- Partner with local churches, community-based organizations and other neighborhood-based organizations to develop a program to offer assistance to both disadvantaged business enterprises and the development of a workforce development program to assist the OJT/SS program in meeting its goals and objectives. The OJT/SS program may utilize existing facilities, community outreach, classroom training, case management, recruitment of participants, screening and assessment services, transportation, and other community-based supportive services. In addition, the Program Director will solicit information from faith-based entities to help identify their specific areas of potential assistance.

MINORITY COLLEGES

- The partnership with STATE USA's Historically Black College, Women's College, and Hispanic Universities will serve to utilize faculty, as necessary to teach courses such as career planning, computer skills, life skills, and other basic, non-technical skills. Other services such as the use of facilities can also be provided through these partnerships.

UNION APPRENTICESHIP PROGRAMS

- The partnership with unions will provide OJT/SS participants placement in apprenticeship programs and opportunities to work with union members.

UNITED STATES DEPARTMENT OF LABOR (USDOL)

- The USDOL will provide assistance in retraining veterans.

OTHER LOCAL AND STATE AGENCY PARTNERS:

- Other local and state agency partners will provide assistance in classroom training, use of facilities, and serving on committees. The OJT/SS Program Director will also work with these agencies to integrate their existing workforce development activities into the program.
- STATE USA's OJT/SS program director is responsible for providing management and oversight of the program to ensure that the major program elements are being implemented in an effective and efficient manner (i.e. partnerships, identifying resource agencies, assessing progress and pitfalls, etc.).

K. Budget and Financial Requirements

GOAL #1

Budget Summary for Cement Paving training & apprenticeship program

Line Item	Cash Match	In-Kind	Requested from FHWA	Total
Personnel	\$216,000.	\$21,600.	\$120,000.	\$357,600.
Supplies	\$0.	\$8550.	\$10,950.	\$19,500.
Equipment	\$0.	\$ 82,862.98	\$0.	\$ 82,862.98
Travel	\$0.	\$0.	\$0.	\$0.
Total	\$216,000.	\$113,012.98	\$130,950.	\$459,962.98

Budget Detail Narrative

Personnel: \$357,600.

Salaries Requested: \$120,000.

OJT/SS Program Director: OJT/SS Program Director is responsible for recruiting participants, providing support for participants, overseeing and management of the OJT/SS participants education in the Cement Paving training and apprenticeship. The total salary for the year for the program administrator is \$50,000.

OJT/SS Program Administrator: OJT/SS Program Director is responsible for recruiting participants, providing support for participants, overseeing and management of the OJT/SS participants education in the Cement Paving training and apprenticeship. The total salary for the year for the program administrator is \$70,000.

Salaries Cash Match: \$216,000

3 Full time Instructors - ABC Community Trade School will provide three full time instructors for the cement paving apprenticeship program. Each instructor's full time salary is \$72,000 (paid from general operating funds) for a total cash match of \$216,000.

Salaries In-Kind: \$21,600.

4 Rotating Volunteers from STATE USA Association of General Contractors, STATE USA Trade organization, STATE USA prime contractor partners, and STATE USA road builders will volunteer 10 hours per week for the year-long training. 40 Volunteer hours per week will be provided for 36 weeks for a total of 1440 hours. The value of each volunteer's hourly commitment was calculated using the Independent Sector's state chart for STATE USA. According to their 2010 Value of a Volunteer survey, the value of a volunteer hour in STATE USA is \$15.00. The total value of volunteer hours for the Cement paving Apprenticeship program is \$ 21,600. Volunteers will be required to sign their time in and out each day to track their in-kind contribution hours.

Total Salaries:

Travel: \$0

No travel expenses will be incurred.

Equipment: \$ 82,862.98

Equipment Requested: \$0

Equipment In-Kind: ABC Community Trade School has the following equipment that will be used to facilitate the cement paving apprenticeship program: concrete & mortar mixers, chisel scalers, concrete breakers, concrete buckets, concrete buggies, concrete chutes, concrete forms, concrete grinding equipment, concrete & grout pumps, concrete & mortar mixers, concrete power trowels, concrete screed machines, concrete vibrators, core drills, core bits, curbing machines, excavators, paver block splitters, plate compactors, rollers, soil rammer tamperers, rebar benders cutters tiers, saws, debris chutes, and concrete curing blankets. Cost to rent this equipment per year: \$ 82,862.98

Total Equipment: \$ 82,862.98

Supplies: \$19,500.

Supplies Requested: \$10,950.

Classroom Tool Requirements: Trowel (24- and 48-inch levels), "S" jointer, Long jointer, Brick hammer, Two 6' folding rules (modular and standard), Carrying bag, Pencil, Square, Brush, Brick chisel and line, Line blocks, Work shoes. It is anticipated that 30 students will be enrolled in the Cement Masonry Apprenticeship program. The cost of the tools per student is \$365.00 X 30 students for a total cost of \$10,950.00.

Supplies In-Kind: \$8550.00

Classroom Textbooks/Handouts: ABC Community Trade School will provide textbooks, handouts and any other necessary classroom instruction supplies for the cement paving apprenticeship courses. Textbooks and handouts cost \$285 per student X 30 students for a total cost of \$8550.00

Total Supplies: \$19,500.

GOAL #2

Budget Summary for GED class and Testing

Line Item	Cash Match	In-Kind	Requested from FHWA	Total
Personnel	\$60,000.	\$10,800.	\$0.	\$70,800.
Supplies	\$0.	\$5,250.	\$3,900.	\$9,150.
Equipment	\$0.	\$14,040.	\$0.	\$14,040.
Travel	\$0.	\$2,880.	\$0.	\$2,880.
Total	\$60,000.	\$32,970	\$3,900.	\$96,870.

Budget Detail Narrative

Personnel: \$70,800.

Salaries Requested: \$0. (SALARY COSTS INCLUDED UNDER GOAL #1)

OJT/SS Program Director: OJT/SS Program Director is responsible for recruiting participants, providing support for participants, overseeing and management of the OJT/SS participants' education in the GED program. The total salary for the year for the program administrator is \$50,000 which has been included in the personnel costs for goal #1.

OJT/SS Program Administrator: OJT/SS Program Director is responsible for recruiting participants, providing support for participants, overseeing and management of the OJT/SS participants' education in the GED program. The total salary for the year for the program administrator is \$70,000 which has been included in the costs for goal #1.

Salaries Cash Match: \$60,000.

1 Full time Instructor- ABC Community Trade School will provide one full time instructor for the general education degree (GED) preparation program. The instructor's full time salary is \$60,000 (paid from general operating funds) for a total cash match of \$60,000.

Salaries In-Kind: \$10,800.

2 Volunteers – Two retired teachers will be providing support through individual tutoring to the GED program participants. Each volunteer will be providing 20 hours a week of volunteer services for a 36 week period for a total of 720 hours. The value of each volunteer's hourly commitment was calculated using the Independent Sector's state chart for STATE USA. According to their 2010 Value of a Volunteer survey, the value of a volunteer hour in STATE USA is \$15.00. The total value of volunteer hours for the GED program is \$ 10,800. Volunteers will be required to sign their time in and out each day to track their in-kind contribution hours.

Total Salaries: \$70,800.

Supplies: \$9,150.

Supplies Requested: \$3,900.

GED test practice books, GED handouts: It is anticipated that 30 students will be enrolled in the GED exam preparation program. Practice books and handouts cost \$125. per student X 30 students for a total cost of \$3750.

GED testing fee, diploma, transcripts: The first-time scheduling fee for testing, the GED diploma, and one copy of the score transcripts is \$50 X 30 students for a total of \$150.

Supplies In-Kind: \$5,250.

GED computer programs: ABC Community Trade School has GED computer programs for practicing skills and enabling students to take practice exams on the computer. All students enrolled in the GED program will have access to these computer programs to reinforce and monitor students' achievements. The computer program cost \$750.00 plus 30 license fees of \$150 each for a total cost of \$5,250.

Equipment:\$14,040.

Supplies Requested: \$0.

Supplies In-Kind: \$14,040.

Computers: ABC Community Trade School is equipped with a computer lab facility holding 65 computers capable of implementing the GED practice skills testing and assessments. Computer rental for the year for 30 computers is \$30 per month X 12 months is \$360 X 30 computers for a total of \$10,800.

Classroom Facilities: ABC Community Trade School will provide classroom facilities for the instruction of classroom and computer GED instruction, practice and testing for all participants. The cost for utilities (electric, water, and housekeeping) is a total yearly cost of \$3,240.

Travel: \$2,880.

Supplies Requested: \$0.

Supplies In-Kind: \$2,880.

Shuttle service from/to trade school: ABC Community Trade School provides a shuttle service from the campus to four centralized locations throughout STATE USA community. Participants will have access to this shuttle service. The cost to provide this shuttle service for the year for 30 students is \$2,880.

GOAL #3

Budget Summary for Construction Tools and Equipment

Line Item	Cash Match	In-Kind	Requested from FHWA	Total
Personnel	SEE Costs under Goal #1.			
Supplies	\$1,500.	\$5,250.	\$0.	\$6,750.
Equipment	\$0.	\$0.	\$7,500.	\$7,500.
Total	\$1,500.	\$5,250.	\$7,500.	\$14,250.

Budget Detail Narrative

Personnel: SEE GOAL #1

Salaries Requested: \$0. (SALARY COSTS INCLUDED UNDER GOAL #1)

OJT/SS Program Director: OJT/SS Program Director is responsible for recruiting participants, providing support for participants, overseeing and management of the OJT/SS participants' ability to obtain construction tools necessary for current highway construction employment. The total salary for the year for the program administrator is \$50,000 which has been included in the personnel costs for goal #1.

OJT/SS Program Administrator: OJT/SS Program Director is responsible for recruiting participants, providing support for participants, overseeing and management of the OJT/SS participants' ability to obtain construction tools necessary for current highway construction employment. The total salary for the year for the program administrator is \$70,000 which has been included in the costs for goal #1.

Salaries Cash Match: \$0.

Total Salaries: \$0.

Supplies:\$1,500.

Supplies Requested: \$0.

Supplies Cash Match: OJT/SS program partners, STATE USA economic development association, STATE USA one-stop career centers, and STATE USA prime contractors have contributed cash in the amount of \$250 each for a total of \$1,500. This money will be used by the OJT/SS program director and manager to cover costs related to tracking, monitoring, and recording construction tools and equipment distributed to participants in relation to their federal highway aid construction employment. This money will also be used to monitor, evaluate, and record the other OJT/SS goals.

Total Supplies: 1,500.

Equipment: \$7,500.

Equipment Requested: \$7,500.

It is estimated that 30 participants will be employed on highway construction jobs and will be in need of tools, equipment and/or clothing to support their continued employment. Partners, ABC and XYZ equipment supplies have offered their supplies at cost plus 10 percent. It is estimated that participants will need approximately \$250 to cover tools and clothing expenses. The total cost is 30 participants x \$250 for a total request of \$7,500.

Total Equipment: \$7,500.

GOAL #4

Budget Summary for Child Care Services

Line Item	Cash Match	In-Kind	Requested from FHWA	Total
Personnel	\$0.	\$0.	See Request under Goal #1	\$0.
Supplies	See Cash Match under goal #2	\$0.	\$0.	\$0.
Services	\$0.	\$6,300.	\$72,000	\$78,300.
Travel	\$	\$3,600.	\$0.	\$3,600.
Total	\$0.	\$9,900.	\$72,000.	\$81,900.

Budget Detail Narrative

Personnel: \$0.

Salaries Requested: \$0. (SALARY COSTS INCLUDED UNDER GOAL #1)

OJT/SS Program Director: OJT/SS Program Director is responsible for recruiting participants, providing support for participants, overseeing and management of the OJT/SS participants' ability to obtain child care during their highway construction employment. The total salary for the year for the program administrator is \$50,000 which has been included in the personnel costs for goal #1.

OJT/SS Program Administrator: OJT/SS Program Director is responsible for recruiting participants, providing support for participants, overseeing and management of the OJT/SS participants' ability to obtain child care during their highway construction employment. The total salary for the year for the program administrator is \$70,000 which has been included in the costs for goal #1.

Salaries Cash Match: \$0.

Total Salaries:

Supplies:\$0.

Supplies Requested: \$0.

Supplies Cash Match: SEE Cash Match under goal #3

Total Supplies: \$0.

Services: \$72,500.

Services Requested: \$72,000.

It is estimated that 30 children of OJT/SS participants employed in federal-aid highway construction will require full time childcare at a discounted cost of \$150 per week, per child. This is a cost of \$600 per month and a cost of \$72,000 per year.

Services In-Kind: \$6,300.

Childcare partners have agreed to waive the registration fee for OJT-SS participants. It is estimated that 30 OJT-SS participants will require childcare x \$50 registration fee cost for a total of \$1500. In addition, Childcare partners will provide pick up and drop off for children enrolled as well as breakfast, lunch and snacks. Cost of means for 30 children per month is \$400 x 12 months for a total of \$4,800

Total Services: \$72,500.

Travel:\$3600.

Travel Requested: \$0.

Travel In-Kind: \$3,600.

Childcare partners will provide pickup and drop off transportation services for children enrolled in the program free of charge. This cost per month is valued at \$300 per month X 12 months for a total of \$3,600.

Total Travel: \$3,600.

TECHNICAL ASSISTANCE TOOL

Background

- **Authority - 23 U.S.C. 140(a) and 140(b)**
- **Continued under Transportation Equity Act (TEA-21)**
- **Most recently continued under Safe, Accountable, Flexible, Efficient Transportation Equity Act (SAFETEA-LU) - Public Law 109-59, Stat. 144. Section 1920 - Transportation and Local Workforce Investment” provides a sense of Congress regarding job skills, training opportunities, and local in transportation projects. Section 1920(b) states:**
(b) SENSE OF CONGRESS-It is the sense of Congress that Federal transportation projects should facilitate and encourage the collaboration between interested persons, including Federal, State, and local governments, community colleges, apprentice programs, local high school, and other community-based organizations that have an interest in improving the job skills of low-income individuals, to help leverage and to help ensure local participation in the building of transportation projects.

Purpose

- On-the-Job Training Supportive Services Program was established to supplement the OJT program and support State DOT training programs by providing services to highway construction contractors and assistance to highway construction contractors, apprentices and trainees.

Policy

- FHWA’s OJT and OJT/SS policy requires State DOT’s to establish apprenticeship and training programs targeted to move, women, minorities, and disadvantaged persons into journey level position to ensure that a competent workforce is available to meet highway construction hiring needs, and to address the historical under-representation of members of these groups in highway construction skilled crafts.

Considerations

- Under the provisions of 23 U.S.C. 140(b), the Secretary of Transportation has the authority to fund OJT/SS in an amount not to exceed \$10,000,000 annually.
- States may use 100 percent of core program funding for workforce activities which include training, education, outreach, and transportation career preparation.
- Under SAFETEA-LU, States are NOT required to match Federal funds if core program funds are used for workforce development
- The SAFETEA-LU language also expands the types of eligible activities beyond training and education for employees to “pipeline” programs that will help students prepare for transportation careers.
- “Pipeline” programs include educational outreach activities developed to increase interest and promote participation in surface transportation careers including internships, cooperative education programs, university and college support activities, and scholarship programs.

- SAFETEA-LU provisions supersede TEA-21 by providing for 100 percent Federal funding for workforce activities, extending eligibility for workforce development activities to the five core programs, and by not limiting the amount of funding available from each program.
- The five core Federal-aid programs for which States may draw funds from are: Congestion Mitigation/Air Quality (CMAQ) program, Highway Bridge Program (HBP), Interstate Maintenance (IM) program, the National Highway System (NHS), and the Surface Transportation Program (STP).

Summary of Five Core Programs

Where Funds Can Be Drawn From to Support Training, Education, and Workforce Development

- The **Congestion Mitigation and Air Quality Improvement (CMAQ)** program provides funding for projects and programs in air quality non-attainment and maintenance areas for ozone, carbon monoxide (CO), and particulate matter (PM-10, PM-2.5) which reduce transportation related emissions. [23 USC 149(a)].
- The **Highway Bridge Program (HBP)** provides funding to enable States to improve the condition of their highway bridges through replacement, rehabilitation, and systematic preventative maintenance.
- The **Interstate Maintenance (IM)** program provides funding for resurfacing, restoring, rehabilitating, and reconstructing (4R) most routes on the Interstate System.
- The **National Highway System (NHS)** program provides funding for improvements to rural and urban roads that are part of the NHS, including the Interstate System and designated connections to major intermodal terminals. Under certain circumstances, NHS funds may also be used to fund improvements in NHS corridors.
- The **Surface Transportation Program (STP)** provides flexible funding that may be used by States and localities for projects in any Federal-aid highway including the NHS, bridge projects on any public road, transit capital projects, and intra-city and intercity bus terminals and facilities.

Expected Outcomes

- Increase the representation of women, minorities, and disadvantaged individuals in highway construction and related technology jobs
- Assist the highway construction industry to address the current and workforce shortages of skilled labor
- Provide transportation career awareness to middle and high school youth, as well as community college students

State Transportation Agency (STA) Responsibilities					
A. IMPLEMENTATION AND ADMINISTRATION			Yes	No	?
1. Has the STA established procedures for the On-The-Job Training Supportive Services Program? 23 CFR, Part 230.113(a)					
2. Is it true that no funds made available to implement these supportive services are being used to finance the training of State highway agency employees nor to provide services in support of such training? 23 CFR part 230.113 (a)					
3. Is the STA submitting support services proposals to the FHWA for approval? 23 CFR part 230.113 (c)					
4. If the STA is providing supportive services by contract, did it solicit proposals from qualified sources to assure the competitive nature of the procurement? 23 CFR part 230.113 (d)					
5. Does the STA contracts for supportive services include mandatory provisions? 23 CFR part 230.113 (f)					
6. Will the STA furnish copies of the report to the FHWA division office after training has been completed? 23 CFR part 230.113(g)					
B. REIMBURSEMENT PROCEDURES			Yes	No	?
1. Will the STA be reimbursed on the same pro-rata basis as the construction costs of the Federal-aid project? 23 CFR Part 230.117 (a)					
2. Will the STA keep a separate account of supportive services funds since they cannot be interchanged with regular Federal-aid funds? 23 CFR Part 230.117 (b)(1)					
3. Will the STA revert funds back to FHWA Headquarters if they are not obligated within the time specified in the particular years? 23 CFR Part 230.117 (b) (2)					
C. MONITORING OF SUPPORTIVE SRVICES			Yes	No	?
1. Will the supportive services procured by the STA be monitored by the FHWA division office? 23 CFR Part 230.119					
D. SECTION 5204(e) of SAFETEA-LU			Yes	No	?
1. Are funds from the five core programs allowed to be used for workforce development activities including employee education and training, and for programs to develop the future transportation workforce through career outreach and preparation? SAFETEA-LU 5204 (e)					
2. May the STA use more than up to 1/2 of 1 percent of STP funds for workforce development purposes? SAFETEA-LU 5204 (e)					
3. Is it true that States are not required to match Federal funds if the core program funds are used for training, education, or workforce development purposes including “pipeline” activities? SAFETEA-LU 5204 (e)					
4. Is it true that, under SAFETEA-LU, the STA could use core funds to support “pipeline” programs such as educational activities which include outreach and student transportation career preparation? SAFETEA-LU 5204 (e)					

D. SECTION 5204(e) of SAFETEA-LU (Continued)	Yes	No	?
5. Is it true, under SAFETEA-LU, the STA may use funds for employee education, training, and professional development? SAFETEA-LU 5204(e)			
6. Is it true, under SAFETEA-LU, the Sta may use funds for travel, equipment or material purchases? SAFETEA-LU 5204 (e)			
7. Is it true that the Sta emay NOT use core program funds as matching funds for other Federal programs such as the Local Technical Assistance Program (LTAP) or the University Transportation Centers (UTC)? SAFETEA-LU 5204 (e)			
8. Is it true that there are some restrictions on the use of CMAQ or Transportation Enhancement (TE) funds for workforce development and training programs? SAFETEA-LU 5204 (e)			
9. Is it true that the use of core program funds for workforce development is discretionary? SAFETEA-LU 5204 (e)			

CONSIDERATIONS

Considerations

The method of developing a local OJT/SS performance-based program is different for each State. Some States invest significantly in the training of OJT participants, for others; providing supportive services to enable OJT participants already in the Federal-aid highway construction workforce. No matter where States are in the process – whether they are planning to design a new training program for OJT participants, revising the current one in place, or both – it is helpful to ask some questions. We have included in the following section questions that will help applicants to design a performance-, result-, and need-based OJT/SS program and to determine some of the challenges early in the application process.

- Why are we implementing this program?
- Do we need this program?
- What are the other similar programs that are being administered outside the transportation industry, and have we evaluated them completely?
- How many actual OJT participants will benefit from this program?
- How will OJT participants benefit from this program?
- Are we addressing the needs of the transportation industry?
- How will we staff this project?
- How many project personnel and volunteers are going to be involved, and how much commitment do we have from them?
- How much funding is needed, and are there other funding sources besides the Federal Highway Administration?
- How will we build relations and partnerships with other organizations and communities to better service our program and to satisfy future requirements?
- Have we tapped into all the possible resources available to make our program complete from all perspectives?
- What are the benchmarks for our program, and how will it be evaluated?
- What are the conflicts that can possibly arise, and how are we going to address them?

SELECTED AUTHORITIES

23 CFR 230

Section 230.113
Section 230.117(b)
Section 230.117(2)
Section 230.119
Section 230.121(e)

23 USC 140 (b)

SAFETEA-LU

*Safe, Accountable, Flexible, Efficient Transportation Equity Act:
A Legacy for Users*
Public Law 109-59, 119 Stat. 1144 (2005)
Section 1920- *“Transportation and Local Workforce Investment”*

SAFETEA-LU's effect on TEA-21

Section 5204 – *“Surface Transportation Workforce Development Training and
Education”*

EXECUTIVE ORDERS

13216 –Asian Americans and Pacific Islanders
13230 –Educational Excellence for Hispanic Americans (HIS)
13256-Historically Black Colleges and Universities (HBCU)
13270 –Tribal Colleges and Universities (TCU)

FHWA External Program Regulations 23 CFR Part 230

**23 CFR
PART 230—EXTERNAL PROGRAMS**

**Subpart A—Equal Employment Opportunity on Federal and Federal-Aid Construction Contracts
(Including Supportive Services)**

Sec.

- 230.101 Purpose.
- 230.103 Definitions.
- 230.105 Applicability.
- 230.107 Policy.
- 230.109 Implementation of specific Equal Employment Opportunity requirements.
- 230.111 Implementation of special requirements for the provision of on-the-job training.
- 230.113 Implementation of supportive services.
- 230.115 Special contract requirements for “Hometown” or “Imposed” Plan areas.
- 230.117 Reimbursement procedures (Federal-aid highway construction projects only).
- 230.119 Monitoring of supportive services.
- 230.121 Reports.

APPENDIX A TO SUBPART A OF PART 230—SPECIAL PROVISIONS

APPENDIX B TO SUBPART A OF PART 230—TRAINING SPECIAL PROVISIONS

APPENDIX C TO SUBPART A OF PART 230—FEDERAL-AID HIGHWAY CONTRACTORS ANNUAL
EEO REPORT (FORM PR-1391)

APPENDIX D TO SUBPART A OF PART 230—FEDERAL-AID HIGHWAY CONSTRUCTION SUMMARY
OF EMPLOYMENT DATA (FORM PR-1392)

APPENDIXES E–F TO SUBPART A OF PART 230 [RESERVED]

APPENDIX G TO SUBPART A OF PART 230—SPECIAL REPORTING REQUIREMENTS FOR
“HOMETOWN” OR “IMPOSED” PLAN AREAS

Subpart B—Supportive Services for Minority, Disadvantaged, and Women Business Enterprises

- 230.201 Purpose.
- 230.202 Definitions.
- 230.203 Policy.
- 230.204 Implementation of supportive services.
- 230.205 Supportive services funds obligation.
- 230.206 Monitoring supportive services.
- 230.207 Sources of assistance.

Subpart C—State Highway Agency Equal Employment Opportunity Programs

- 230.301 Purpose.
- 230.303 Applicability.
- 230.305 Definitions.
- 230.307 Policy.
- 230.309 Program format.
- 230.311 State responsibilities.
- 230.313 Approval procedure.

APPENDIX A TO SUBPART C OF PART 230—STATE HIGHWAY AGENCY EQUAL EMPLOYMENT
OPPORTUNITY PROGRAMS

Subpart D—Construction Contract Equal Opportunity Compliance Procedures

230.401 Purpose.

230.403 Applicability.

230.405 Administrative responsibilities.

230.407 Definitions.

230.409 Contract compliance review procedures.

230.411 Guidance for conducting reviews.

230.413 Review reports.

230.415 Consolidated compliance reviews.

APPENDIX A TO SUBPART D OF PART 230—SAMPLE SHOW CAUSE NOTICE

APPENDIX B TO SUBPART D OF PART 230—SAMPLE CORRECTIVE ACTION PLAN

APPENDIX C TO SUBPART D OF PART 230—SAMPLE SHOW CAUSE RESCISSION

APPENDIX D TO SUBPART D OF PART 230— EQUAL OPPORTUNITY COMPLIANCE REVIEW
PROCESS FLOW CHART

AUTHORITY: 23 U.S.C. 101, 140, and 315; 42 U.S.C. 2000d *et seq.*; 49 CFR 1.48 and 60–1.

SOURCE: 40 FR 28053, July 3, 1975, unless otherwise noted.

Subpart A—Equal Employment Opportunity on Federal and Federal-Aid Construction Contracts (Including Supportive Services)

§ 230.101 Purpose.

The purpose of the regulations in this subpart is to prescribe the policies, procedures, and guides relative to the implementation of an equal employment opportunity program on Federal and Federal-aid highway construction contracts, except for those contracts awarded under 23 U.S.C. 117, and to the preparation and submission of reports pursuant thereto.

§ 230.103 Definitions.

For purposes of this subpart—

Administrator means the Federal Highway Administrator.

Areawide Plan means an affirmative action plan to increase minority utilization of crafts in a specified geographical area pursuant to Executive Order 11246, and taking the form of either a “Hometown” or an “Imposed” plan.

Bid conditions means contract requirements which have been issued by OFCC for purposes of implementing a Hometown Plan.

Division Administrator means the chief Federal Highway Administration (FHWA) official assigned to conduct FHWA business in a particular State, the District of Columbia, or the Commonwealth of Puerto Rico.

Division Equal Opportunity Officer means an individual with staff level responsibilities and necessary authority by which to operate as an Equal Opportunity Officer in a Division office. Normally the Equal Opportunity Officer will be a full-time civil rights specialist serving as staff assistant to the Division Administrator.

Hometown Plan means a voluntary area-wide plan which was developed by representatives of affected groups (usually labor unions, minority organizations, and contractors), and subsequently approved by the Office of Federal Contract Compliance (OFCC), for purposes of implementing the equal employment opportunity requirements pursuant to Executive Order 11246, as amended.

Imposed Plan means an affirmative action requirement for a specified geographical area made mandatory by OFCC and, in some areas, by the courts.

Journeyman means a person who is capable of performing all the duties within a given job classification or craft.

State highway agency means that department, commission, board, or official of any State charged by its laws with the responsibility for highway construction. The term *State* should be considered equivalent to *State highway agency*.

Suggested minimum annual training goals means goals which have been assigned to each State highway agency annually for the purpose of specifying training positions on selected Federal-aid highway construction projects.

Supportive services means those services provided in connection with approved on-the-job training programs for highway construction workers and highway contractors which are designed to increase the overall effectiveness of training programs through the performance of functions determined to be necessary in connection with such programs, but which are not generally considered as comprising part of actual on-the-job craft training.

Trainee means a person who received on-the-job training, whether through an apprenticeship program or other programs approved or accepted by the FHWA.

§ 230.105 Applicability.

- (a) *Federal-aid highway construction projects.* This subpart applies to all Federal-aid highway construction projects and to Appalachian highway construction projects and other State-supervised cooperative highway construction projects except:
 - (1) Federal-aided highway construction projects being constructed pursuant to 23 U.S.C. 117; and
 - (2) Those projects located in areas where the Office of Federal Contract Compliance has implemented an "Imposed" or a "Hometown" Plan, except for those requirements pertaining to specific provisions involving on-the-job training and those provisions pertaining to supportive services and reporting requirements.
- (b) *Direct Federal highway construction projects.* This subpart applies to all direct Federal highway construction projects except:
 - (1) For those provisions relating to the special requirements for the provision of supportive services; and
 - (2) For those provisions relating to implementation of specific equal employment opportunity requirements in areas where the Office of Federal Contract Compliance has implemented an "Imposed" or "Hometown" plan.

§ 230.107 Policy.

- (a) *Direct Federal and Federal-aid highway construction projects.* It is the policy of the FHWA to require that all direct Federal and Federal-aid highway construction contracts include the same specific equal employment opportunity requirements. It is also the policy to require that all direct Federal and Federal-aid highway construction subcontracts of \$10,000 or more (not including contracts for supplying materials) include these same requirements.
- (b) *Federal-aid highway construction projects.* It is the policy of the FHWA to require full utilization of all available training and skill-improvement opportunities to assure the increased participation of minority groups and disadvantaged persons and women in all phases of the highway construction industry. Moreover, it is the policy of the Federal Highway Administration to encourage the provision of supportive services which will increase the effectiveness of approved on-the-job training programs conducted in connection with Federal-aid highway construction projects.

§ 230.109 Implementation of specific Equal Employment Opportunity requirements.

- (a) *Federal-aid highway construction projects.* The special provisions set forth in Appendix A shall be included in the advertised bidding proposal and made part of the contract for each contract and each covered Federal-aid highway construction subcontract.
- (b) *Direct Federal highway construction projects.* Advertising, award and contract administration procedures for direct Federal highway construction contracts shall be as set forth in Federal Acquisition Regulations (48 CFR, Chapter 1, Section 22.803(c)). In order to obtain information required by 48 CFR, Chapter 1, § 22.804-2(c), the following requirement shall be included at the end of the bid schedule in the proposal and contract assembly:

I expect to employ the following firms as subcontractors on this project:
(Naming subcontractors at this time does not constitute a binding commitment on the bidder to retain such subcontractors, nor will failure to enter names affect the contract award):
Name _____
Address _____
Name _____
Address _____

§ 230.111 Implementation of special requirements for the provision of on-the-job training.

- (a) The State highway agency shall determine which Federal-aid highway construction contracts shall include the "Training Special Provisions" (Appendix B) and the minimum number of trainees to be specified therein after giving appropriate consideration to the guidelines set forth in § 230.111(c). The "Training Special Provisions" shall supersede Section 7(b) of the Special Provisions (Appendix A) entitled "Specific Equal Employment Opportunity Responsibilities." Minor wording revisions will be required to the "Training Special Provisions" in areas having "Hometown" or "Imposed Plan" requirements.
- (b) The Washington Headquarters shall establish and publish annually suggested minimum training goals. These goals will be based on the Federal-aid apportioned amounts and the minority population. A State will have achieved its goal if the total number of training slots on selected federally aided highway construction contracts which have been awarded during each 12-month period equals or exceeds the State's suggested minimum annual goal. In the event a State highway agency does not attain its goal during a calendar year, the State highway agency at the end of the calendar year shall inform the Administrator of the reasons for its inability to meet the suggested minimum number of training slots and the steps to be taken to achieve the goal during the next calendar year. The information is to be submitted not later than 30 days from the end of the calendar year and should be factual, and should not only indicate the situations occurring during the year but show the project conditions at least through the coming year. The final determination will be made on what training goals are considered to be realistic based on the information submitted by a State.
- (c) The following guidelines shall be utilized by the State highway agency in selecting projects and determining the number of trainees to be provided training therein:
 - (1) Availability of minorities, women, and disadvantaged for training.
 - (2) The potential for effective training.
 - (3) Duration of the contract.
 - (4) Dollar value of the contract.
 - (5) Total normal work force that the average bidder could be expected to use.
 - (6) Geographic location.
 - (7) Type of work.
 - (8) The need for additional journeymen in the area.
 - (9) Recognition of the suggested minimum goal for the State.
 - (10) A satisfactory ratio of trainees to journeymen expected to be on the contractor's work force during normal operations (considered to fall between 1:10 and 1:4).
- (d) Training programs which are established shall be approved only if they meet the standards set forth in Appendix B with regard to:
 - (1) The primary objectives of training and upgrading minority group workers, women and disadvantaged persons.
 - (2) The development of full journeymen.
 - (3) The minimum length and type of training.
 - (4) Dollar value of the contract.
 - (5) Total normal work force that the average bidder could be expected to use.
 - (6) Geographic location.
 - (7) Type of work.
 - (8) The need for additional journeymen in the area.
 - (9) Recognition of the suggested minimum goal for the State.
 - (10) A satisfactory ratio of trainees to journeymen expected to be on the contractor's work force during normal operations (considered to fall between 1:10 and 1:4).

- (d) Training programs which are established shall be approved only if they meet the standards set forth in Appendix B with regard to:
- (1) The primary objectives of training and upgrading minority group workers, women and disadvantaged persons.
 - (2) The development of full journeymen.
 - (3) The minimum length and type of training.
 - (4) The minimum wages of trainees.
 - (5) Trainees certifications.
 - (6) Keeping records and furnishing reports.
- (e)
- (1) Training programs considered by a State highway agency to meet the standards under this directive shall be submitted to the FHWA division Administrator with a recommendation for approval.
 - (2) Employment pursuant to training programs approved by the FHWA Division Administrator will be exempt from the minimum wage rate provisions of Section 113 of Title 23 U.S.C. Approval, however, shall not be given to training programs which provide for employment of trainees at wages less than those required by the Special Training Provisions. (Appendix B.)
- (f)
- (1) Apprenticeship programs approved by the U.S. Department of Labor as of the date of proposed use by a Federal-aid highway contractor or subcontractor need not be formally approved by the State highway agency or the FHWA division Administrator. Such programs, including their minimum wage provisions, are acceptable for use, provided they are administered in a manner reasonably calculated to meet the equal employment opportunity obligations of the contractor.
 - (2) Other training programs approved by the U.S. Department of Labor as of the date of proposed use by a Federal-aid highway contractor or subcontractor are also acceptable for use without the formal approval of the State highway agency or the Division Administrator provided:
 - (i) The U.S. Department of Labor has clearly approved the program aspects relating to equal employment opportunity and the payment of trainee wage rates in lieu of prevailing wage rates.
 - (ii) They are reasonably calculated to qualify the average trainees for journeyman status in the classification concerned by the end of the training period.
 - (iii) They are administered in a manner calculated to meet the equal employment obligations of the contractors.
- (g) The State highway agencies have the option of permitting Federal-aid highway construction contractors to bid on training to be given under this directive. The following procedures are to be utilized by those State highway agencies that elect to provide a bid item for training:
- (1) The number of training positions shall continue to be specified in the Special Training Provisions. Furthermore, this number should be converted into an estimated number of hours of training which is to be used in arriving at the total bid price for the training item. Increases and decreases from the estimated amounts would be handled as overruns or underruns;
 - (2) A Section concerning the method of payment should be included in the Special Training Provisions. Some offsite training is permissible as long as the training is an integral part of an approved training program and does not comprise a substantial part of the overall training. Furthermore, the trainee must be concurrently employed on a federally aided highway construction project subject to the Special Training Provisions attached to this directive. Reimbursement for off-site training may only be made to the contractor where he does one or more of the following: Contributes to the cost of the training, provides the instruction to the trainee, or pays the trainee's wages during the offsite training period;
 - (3) A State highway agency may modify the special provisions to specify the numbers to be trained in specific job classifications;

- (4) A State highway agency can specify training standards provided any prospective bidder can use them, the training standards are made known in the advertised specifications, and such standards are found acceptable by FHWA.

[40 FR 28053, July 3, 1975; 40 FR 57358, Dec. 9, 1975, as amended at 41 FR 3080, Jan. 21, 1976]

§ 230.113 Implementation of supportive services.

- (a) The State highway agency shall establish procedures, subject to the availability of funds under 23 U.S.C. 140(b), for the provision of supportive services in support of training programs approved under this directive. Funds made available to implement this paragraph shall not be used to finance the training of State highway agency employees or to provide services in support of such training. State highway agencies are not required to match funds allocated to them under this Section.
- (b) In determining the types of supportive services to be provided which will increase the effectiveness of approved training programs. State highway agencies shall give preference to the following types of services in the order listed:
- (1) Services related to recruiting, counseling, transportation, physical examinations, remedial training, with special emphasis upon increasing training opportunities for members of minority groups and women;
 - (2) Services in connection with the administration of on-the-job training programs being sponsored by individual or groups of contractors and/or minority groups and women's groups;
 - (3) Services designed to develop the capabilities of prospective trainees for undertaking on-the-job training;
 - (4) Services in connection with providing a continuation of training during periods of seasonal shutdown;
 - (5) Follow-up services to ascertain outcome of training being provided.
- (c) State highway agencies which desire to provide or obtain supportive services other than those listed above shall submit their proposals to the Federal Highway Administration for approval. The proposal, together with recommendations of the division and regional offices shall be submitted to the Administrator for appropriate action.
- (d) When the State highway agency provides supportive services by contract, formal advertising is not required by the FHWA, however, the State highway agency shall solicit proposals from such qualified sources as will assure the competitive nature of the procurement. The evaluation of proposals by the State highway agency must include consideration of the proposer's ability to effect a productive relationship with contractors, unions (if appropriate), minority and women groups, minority and women trainees, and other persons or organizations whose cooperation and assistance will contribute to the successful performance of the contract work.
- (e) In the selection of contractors to provide supportive services, State highway agencies shall make conscientious efforts to search out and utilize the services of qualified minority or women organizations, or minority or women business enterprises.
- (f) As a minimum, State highway agency contracts to obtain supportive services shall include the following provisions:
- (1) A statement that a primary purpose of the supportive services is to increase the effectiveness of approved on-the-job training programs, particularly their effectiveness in providing meaningful training opportunities for minorities, women, and the disadvantaged on Federal-aid highway projects;

- (2) A clear and complete statement of the services to be provided under the contract, such as services to construction contractors, subcontractors, and trainees, for recruiting, counseling, remedial educational training, assistance in the acquisition of tools, special equipment and transportation, follow-up procedures, etc.;
 - (3) The nondiscrimination provisions required by Title VI of the Civil Rights Act of 1964 as set forth in FHWA Form PR-1273, and a statement of nondiscrimination in employment because of race, color, religion, national origin or sex;
 - (4) The establishment of a definite period of contract performance together with, if appropriate, a schedule stating when specific supportive services are to be provided;
 - (5) Reporting requirements pursuant to which the State highway agency will receive monthly or quarterly reports containing sufficient statistical data and narrative content to enable evaluation of both progress and problems;
 - (6) A requirement that the contractor keep track of trainees receiving training on Federal-aid highway construction projects for up to 6 months during periods when their training is interrupted. Such contracts shall also require the contractor to conduct a 6 month follow-up review of the employment status of each graduate who completes an on-the-job training program on a Federal-aid highway construction project subsequent to the effective date of the contract for supportive services.
 - (7) The basis of payment;
 - (8) An estimated schedule for expenditures;
 - (9) The right of access to contractor and subcontractor records and the right to audit shall be granted to authorize State highway agency and FHWA officials;
 - (10) Non-collusion certification;
 - (11) A requirement that the contractor provide all information necessary to support progress payments if such are provided for in the contract;
 - (12) A termination clause.
- (g) The State highway agency is to furnish copies of the reports received under paragraph (b)(5) of this Section, to the division office.

[40 FR 28053, July 3, 1975, as amended at 41 FR 3080, Jan. 21, 1976]

§ 230.115 Special contract requirements for “Hometown” or “Imposed” Plan areas.

Direct Federal and Federal-aid contracts to be performed in “Hometown” or “Imposed” Plan areas will incorporate the special provision set forth in Appendix G.

§ 230.117 Reimbursement procedures (Federal-aid highway construction projects only).

- (a) *On-the-job special training provisions.*
State highway agencies will be reimbursed on the same pro-rata basis as the construction costs of the Federal-aid project.
- (b) *Supportive services.*
- (1) The State highway agency must keep a separate account of supportive services funds since they cannot be interchanged with regular Federal-aid funds. In addition, these funds may not be expended in a manner that would provide for duplicate payment of Federal or Federal-aid funds for the same service.
 - (2) Where a State highway agency does not obligate all its funds within the time specified in the particular year's allocation directive, the funds shall revert to the FHWA Headquarters Office to be made available for use by other State highway agencies, taking into consideration each State's need for and ability to use such funds.

§ 230.119 Monitoring of supportive services.

Supportive services procured by a State highway agency shall be monitored by both the State highway agency and the division office.

§ 230.121 Reports.

- (a) Employment reports on Federal-aid highway construction contracts not subject to “Hometown” or “Imposed” plan requirements.
 - (1) Paragraph 10c of the special provisions (Appendix A) sets forth specific reporting requirements. FHWA Form PR-1391, Federal-Aid Highway Construction Contractors Annual EEO Report, (Appendix C) and FHWA Form PR 1392, Federal-Aid Highway Construction Summary of Employment Data (including minority breakdown) for all Federal-Aid Highway Projects for month ending July 31st, 19—, (Appendix D) are to be used to fulfill these reporting requirements.
 - (2) Form PR 1391 is to be completed by each contractor and each subcontractor subject to this part for every month of July during which work is performed, and submitted to the State highway agency. A separate report is to be completed for each covered contract or subcontract. The employment data entered should reflect the work force on board during all or any part of the last payroll period preceding the end of the month. The State highway agency is to forward a single copy of each report to the FHWA division office.
 - (3) Form PR 1392 is to be completed by the State highway agencies, summarizing the reports on PR 1391 for the month of July received from all active contractors and subcontractors. Three (3) copies of completed Forms PR 1392 are to be forwarded to the division office.
- (b) Employment reports on direct Federal highway construction contracts not subject to “Hometown” or “Imposed” plan requirements. Forms PR 1391 (Appendix C) and PR 1392 (Appendix D) shall be used for reporting purposes as prescribed in § 230.121(a).
- (c) Employment reports on direct Federal and Federal-aid highway construction contracts subject to “Hometown” or “Imposed” plan requirements.
 - (1) Reporting requirements for direct Federal and Federal-aid highway construction projects located in areas where “Hometown” or “Imposed” plans are in effect shall be in accordance with those issued by the U.S. Department of Labor, Office of Federal Contract Compliance.
 - (2) In order that we may comply with the U.S. Senate Committee on Public Works’ request that the Federal Highway Administration submit a report annually on the status of the equal employment opportunity program, Form PR 1391 is to be completed annually by each contractor and each subcontractor holding contracts or subcontracts exceeding \$10,000 except as otherwise provided for under 23 U.S.C. 117. The employment data entered should reflect the work force on board during all or any part of the last payroll period preceding the end of the month of July.
- (d) [Reserved]
- (e) Reports on supportive services contracts. The State highway agency is to furnish copies of the reports received from supportive services contractors to the FHWA division office which will furnish a copy to the regional office.

[40 FR 28053, July 3, 1975, as amended at 43 FR 19386, May 5, 1978; 61 FR 14616, Apr. 3, 1996

**APPENDIX A TO SUBPART A OF PART 230—SPECIAL PROVISIONS
SPECIFIC EQUAL EMPLOYMENT OPPORTUNITY RESPONSIBILITIES**

1. *General.*

- a. Equal employment opportunity requirements not to discriminate and to take affirmative action to assure equal employment opportunity as required by Executive Order 11246 and Executive Order 11375 are set forth in Required Contract, Provisions (Form PR-1273 or 1316, as appropriate) and these Special Provisions which are imposed pursuant to Section 140 of Title 23 U.S.C., as established by Section 22 of the Federal-Aid Highway Act of 1968. The requirements set forth in these Special Provisions shall constitute the specific affirmative action requirements for project activities under this contract and supplement the equal employment opportunity requirements set forth in the Required Contract Provisions.
- b. The contractor will work with the State highway agencies and the Federal Government in carrying out equal employment opportunity obligations and in their review of his/her activities under the contract.
- c. The contractor and all his/her subcontractors holding subcontracts not including material suppliers, of \$10,000 or more, will comply with the following minimum specific requirement activities of equal employment opportunity: (The equal employment opportunity requirements of Executive Order 11246, as set forth in volume 6, Chapter 4, Section 1, subsection 1 of the Federal-Aid Highway Program Manual, are applicable to material suppliers as well as contractors and subcontractors.) The contractor will include these requirements in every subcontract of \$10,000 or more with such modification of language as is necessary to make them binding on the subcontractor.

2. *Equal Employment Opportunity Policy.*

The contractor will accept as his operating policy the following statement, which is designed to further the provision of equal employment opportunity to all persons without regard to their race, color, religion, sex, or national origin, and to promote the full realization of equal employment opportunity through a positive continuing program:

It is the policy of this Company to assure that applicants are employed, and that employees are treated during employment, without regard to their race, religion, sex, color, or national origin. Such action shall include: employment, upgrading, demotion, or transfer; recruitment or recruitment advertising; layoff or termination; rates of pay or other forms of compensation; and selection for training, including apprenticeship, pre-apprenticeship, and/or on-the-job training.

3. *Equal Employment Opportunity Officer.*

The contractor will designate and make known to the State highway agency contracting officers and equal employment opportunity officer (hereinafter referred to as the EEO Officer) who will have the responsibility for and must be capable of effectively administering and promoting an active contractor program of equal employment opportunity and who must be assigned adequate authority and responsibility to do so.

4. *Dissemination of Policy.*

- a. All members of the contractor's staff who are authorized to hire, supervise, promote, and discharge employees, or who recommend such action, or who are substantially involved in such action, will be made fully cognizant of, and will implement, the contractor's equal employment opportunity policy and contractual responsibilities to provide equal employment opportunity in each grade and classification of employment. To ensure that the above agreement will be met, the following actions will be taken as a minimum:
 - (1) Periodic meetings of supervisory and personnel office employees will be conducted before the start of work and then not less often than once every six months, at which time the contractor's equal employment opportunity policy and its implementation will be reviewed and explained. The meetings will be conducted by the EEO Officer or other knowledgeable company official.
 - (2) All new supervisory or personnel office employees will be given a thorough indoctrination by the EEO Officer or other knowledgeable company official, covering all major aspects of the contractor's equal employment opportunity obligations within thirty days following their reporting for duty with the contractor.
 - (3) All personnel who are engaged in direct recruitment for the project will be instructed by the EEO Officer or appropriate company official in the contractor's procedures for locating and hiring minority group employees.
- b. In order to make the contractor's equal employment opportunity policy known to all employees, prospective employees and potential sources of employees, *i.e.*, schools, employment agencies, labor unions (where appropriate), college placement officers, etc., the contractor will take the following actions:
 - (1) Notices and posters setting forth the contractor's equal employment opportunity policy will be placed in areas readily accessible to employees, applicants for employment and potential employees.
 - (2) The contractor's equal employment opportunity policy and the procedures to implement such policy will be brought to the attention of employees by means of meetings, employee handbooks, or other appropriate means.

5. *Recruitment.*

- a. When advertising for employees, the contractor will include in all advertisements for employees the notation:

"An Equal Opportunity Employer." All such advertisements will be published in newspapers or other publications having a large circulation among minority groups in the area from which the project work force would normally be derived.
- b. The contractor will, unless precluded by a valid bargaining agreement, conduct systematic and direct recruitment through public and private employee referral sources likely to yield qualified minority group applicants, including, but not limited to, State employment agencies, schools, colleges and minority group organizations. To meet this requirement, the contractor will, through his EEO Officer, identify sources of potential minority group employees, and establish with such identified sources procedures whereby minority group applicants may be referred to the contractor for employment consideration.

In the event the contractor has a valid bargaining agreement providing for exclusive hiring hall referrals, he is expected to observe the provisions of that agreement to the extent that the system permits the contractor's compliance with equal employment opportunity contract provisions. (The U.S. Department of Labor has held that where implementation of such agreements have the effect of discriminating against minorities or women, or obligates the contractor to do the same, such implementation violates Executive Order 11246, as amended.)

- c. The contractor will encourage his present employees to refer minority group applicants for employment by posting appropriate notices or bulletins in areas accessible to all such employees. In addition, information and procedures with regard to referring minority group applicants will be discussed with employees.

6. *Personnel Actions.*

Wages, working conditions, and employee benefits shall be established and administered, and personnel actions of every type, including hiring, upgrading, promotion, transfer, demotion, layoff, and termination, shall be taken without regard to race, color, religion, sex, or national origin. The following procedures shall be followed:

- a. The contractor will conduct periodic inspections of project sites to insure that working conditions and employee facilities do not indicate discriminatory treatment of project site personnel.
- b. The contractor will periodically evaluate the spread of wages paid within each classification to determine any evidence of discriminatory wage practices.
- c. The contractor will periodically review selected personnel actions in depth to determine whether there is evidence of discrimination. Where evidence is found, the contractor will promptly take corrective action. If the review indicates that the discrimination may extend beyond the actions reviewed, such corrective action shall include all affected persons.
- d. The contractor will promptly investigate all complaints of alleged discrimination made to the contractor in connection with his obligations under this contract, will attempt to resolve such complaints, and will take appropriate corrective action within a reasonable time. If the investigation indicates that the discrimination may affect persons other than the complainant, such corrective action shall include such other persons. Upon completion of each investigation, the contractor will inform every complainant of all of his avenues of appeal.

7. *Training and Promotion.*

- a. The contractor will assist in locating, qualifying, and increasing the skills of minority group and women employees, and applicants for employment.
- b. Consistent with the contractor's work force requirements and as permissible under Federal and State regulations, the contractor shall make full use of training programs, *i.e.*, apprenticeship, and on-the-job training programs for the geographical area of contract performance. Where feasible, 25 percent of apprentices or trainees in each occupation shall be in their first year of apprenticeship or training. In the event the Training Special Provision is provided under this contract, this subparagraph will be superseded as indicated in Attachment 2.
- c. The contractor will advise employees and applicants for employment of available training programs and entrance requirements for each.
- d. The contractor will periodically review the training and promotion potential of minority group and women employees and will encourage eligible employees to apply for such training and promotion.

8. *Unions.*

If the contractor relies in whole or in part upon unions as a source of employees, the contractor will use his/her best efforts to obtain the cooperation of such unions to increase opportunities for minority groups and women within the unions, and to effect referrals by such unions of minority and female employees. Actions by the contractor either directly or through a contractor's association acting as agent will include the procedures set forth below:

- a. The contractor will use best efforts to develop, in cooperation with the unions, joint training programs aimed toward qualifying more minority group members and women for membership in the unions and increasing the skills of minority group employees and women so that they may qualify for higher paying employment.
- b. The contractor will use best efforts to incorporate an equal employment opportunity clause into each union agreement to the end that such union will be contractually bound to refer applicants without regard to their race, color, religion, sex, or national origin.
- c. The contractor is to obtain information as to the referral practices and policies of the labor union except that to the extent such information is within the exclusive possession of the labor union and such labor union refuses to furnish such information to the contractor, the contractor shall so certify to the State highway department and shall set forth what efforts have been made to obtain such information.
- d. In the event the union is unable to provide the contractor with a reasonable flow of minority and women referrals within the time limit set forth in the collective bargaining agreement, the contractor will, through independent recruitment efforts, fill the employment vacancies without regard to race, color, religion, sex, or national origin; making full efforts to obtain qualified and/or qualifiable minority group persons and women. (The U.S. Department of Labor has held that it shall be no excuse that the union with which the contractor has a collective bargaining agreement providing for exclusive referral failed to refer minority employees.) In the event the union referral practice prevents the contractor from meeting the obligations pursuant to Executive Order 11246, as amended, and these special provisions, such contractor shall immediately notify the State highway agency.

9. *Subcontracting.*

- a. The contractor will use his best efforts to solicit bids from and to utilize minority group subcontractors or subcontractors with meaningful minority group and female representation among their employees. Contractors shall obtain lists of minority-owned construction firms from State highway agency personnel.
- b. The contractor will use his best efforts to ensure subcontractor compliance with their equal employment opportunity obligations.

10. *Records and Reports.*

- a. The contractor will keep such records as are necessary to determine compliance with the contractor's equal employment opportunity obligations. The records kept by the contractor will be designed to indicate:
 - (1) The number of minority and non-minority group members and women employed in each work classification on the project.
 - (2) The progress and efforts being made in cooperation with unions to increase employment opportunities for minorities and women (applicable only to contractors who rely in whole or in part on unions as a source of their work force),
 - (3) The progress and efforts being made in locating, hiring, training, qualifying, and upgrading minority and female employees, and
 - (4) The progress and efforts being made in securing the services of minority group subcontractors

- b. All such records must be retained for a period of three years following completion of the contract work and shall be available at reasonable times and places for inspection by authorized representatives of the State highway agency and the Federal Highway Administration.
- c. The contractors will submit an annual report to the State highway agency each July for the duration of the project, indicating the number of minority, women, and non-minority group employees currently engaged in each work classification required by the contract work. This information is to be reported on Form PR 1391. If on-the-job training is being required by "Training Special Provision", the contractor will be required to furnish Form FHWA 1409.

[40 FR 28053, July 3, 1975, as amended at 43 FR 19386, May 5, 1978.
Correctly re-designated at 46 FR 21156, Apr. 9, 1981]

APPENDIX B TO SUBPART A OF PART 230—TRAINING SPECIAL PROVISIONS

This Training Special Provision supersedes subparagraph 7b of the Special Provision entitled “Specific Equal Employment Opportunity Responsibilities,” (Attachment 1), and is in implementation of 23 U.S.C. 140(a).

As part of the contractor’s equal employment opportunity affirmative action program training shall be provided as follows:

The contractor shall provide on-the-job training aimed at developing full journeymen in the type of trade or job classification involved.

The number of trainees to be trained under the special provisions will be IIII (amount to be filled in by State highway department).

In the event that a contractor subcontracts a portion of the contract work, he shall determine how many, if any, of the trainees are to be trained by the subcontractor, provided, however, that the contractor shall retain the primary responsibility for meeting the training requirements imposed by this special provision. The contractor shall also insure that this special provision is made applicable to such subcontract. Where feasible, 25 percent of apprentices or trainees in each occupation shall be in their first year of apprenticeship or training. The number of trainees shall be distributed among the work classifications on the basis of the contractor’s needs and the availability of journeymen in the various classifications within a reasonable area of recruitment. Prior to commencing construction, the contractor shall submit to the State highway agency for approval the number of trainees to be trained in each selected classification and training program to be used. Furthermore, the contractor shall specify the starting time for training in each of the classifications. The contractor will be credited for each trainee employed by him on the contract work who is currently enrolled or becomes enrolled in an approved program and will be reimbursed for such trainees as provided hereinafter.

Training and upgrading of minorities and women toward journeymen status is a primary objective of this Training Special Provision. Accordingly, the contractor shall make every effort to enroll minority trainees and women (e.g., by conducting systematic and direct recruitment through public and private sources likely to yield minority and women trainees) to the extent that such persons are available within a reasonable area of recruitment. The contractor will be responsible for demonstrating the steps that he has taken in pursuance thereof, prior to a determination as to whether the contractor is in compliance with this Training Special Provision. This training commitment is not intended, and shall not be used, to discriminate against any applicant for training, whether a member of a minority group or not.

No employee shall be employed as a trainee in any classification in which he has successfully completed a training course leading to journeyman status or in which he has been employed as a journeyman. The contractor should satisfy this requirement by including appropriate questions in the employee application or by other suitable means. Regardless of the method used the contractor’s records should document the findings in each case.

The minimum length and type of training for each classification will be as established in the training program selected by the contractor and approved by the State highway agency and the Federal Highway Administration. The State highway agency and the Federal Highway Administration shall approve a program if it is reasonably calculated to meet the equal employment opportunity obligations of the contractor and to qualify the average trainee for journeyman status in the classification concerned by the end of the training period. Furthermore, apprenticeship programs registered with the U.S. Department of Labor, Bureau of Apprenticeship and Training, or with a State apprenticeship agency recognized by the Bureau and training programs approved but not necessarily sponsored by the U.S. Department of Labor, Manpower Administration, Bureau of Apprenticeship and Training shall also be considered acceptable provided it is being administered in a manner consistent with the equal employment obligations of Federal-aid highway construction contracts. Approval or acceptance of a training program shall be obtained from the State prior to commencing work on the classification covered by the program. It is the intention of these provisions that training is to be provided in the construction crafts rather than clerk-typists or secretarial-type positions. Training is permissible in lower level management positions such as

office engineers, estimators, timekeepers, etc., where the training is oriented toward construction applications. Training in the laborer classification may be permitted provided that significant and meaningful training is provided and approved by the division office. Some offsite training is permissible as long as the training is an integral part of an approved training program and does not comprise a significant part of the overall training.

Except as otherwise noted below, the contractor will be reimbursed 80 cents per hour of training given an employee on this contract in accordance with an approved training program. As approved by the engineer, reimbursement will be made for training persons in excess of the number specified herein. This reimbursement will be made even though the contractor receives additional training program funds from other sources, provided such other does not specifically prohibit the contractor from receiving other reimbursement. Reimbursement for offsite training indicated above may only be made to the contractor where he does one or more of the following and the trainees are concurrently employed on a Federal-aid project; contributes to the cost of the training, provides the instruction to the trainee or pays the trainee's wages during the offsite training period.

No payment shall be made to the contractor if either the failure to provide the required training, or the failure to hire the trainee as a journeyman, is caused by the contractor and evidences a lack of good faith on the part of the contractor in meeting the requirements of this Training Special Provision. It is normally expected that a trainee will begin his training on the project as soon as feasible after start of work utilizing the skill involved and remain on the project as long as training opportunities exist in his work classification or until he has completed his training program. It is not required that all trainees be on board for the entire length of the contract. A contractor will have fulfilled his responsibilities under this Training Special Provision if he has provided acceptable training to the number of trainees specified. The number trained shall be determined on the basis of the total number enrolled on the contract for a significant period.

Trainees will be paid at least 60 percent of the appropriate minimum journeyman's rate specified in the contract for the first half of the training period, 75 percent for the third quarter of the training period, and 90 percent for the last quarter of the training period, unless apprentices or trainees in an approved existing program are enrolled as trainees on this project. In that case, the appropriate rates approved by the Departments of Labor or Transportation in connection with the existing program shall apply to all trainees being trained for the same classification who are covered by this Training Special Provision. The contractor shall furnish the trainee a copy of the program he will follow in providing the training. The contractor shall provide each trainee with a certification showing the type and length of training satisfactorily completed. The contractor will provide for the maintenance of records and furnish periodic reports documenting his performance under this Training Special Provision.

[40 FR 28053, July 3, 1975. Correctly re-designated at 46 FR 21156, Apr. 9, 1981

APPENDIX C TO SUBPART A OF PART 230

FEDERAL-AID HIGHWAY CONSTRUCTION CONTRACTORS ANNUAL EEO REPORT		OMB NO. 2125-0019 Report for: July																	
1. Check APPROPRIATE ITEM O Contractor O Subcontractor	2. NAME AND ADDRESS OF FIRM	3. FEDERAL-AID PROJECT NUMBER	4. TYPE OF CONSTRUCTION																
5. COUNTY AND STATE	6. PERCENT COMPLETE	7. BEGIN. CONSTR. DATE	8. DOLLAR AMOUNT OF CONTRACT																
			9. EST. PEAK EMPLOYMENT Month & Year (a) No. of Employees (b)																
10. EMPLOYMENT DATA																			
Table A																			
JOB CATEGORIES	TOTAL EMPLOYEES		TOTAL MINORITIES		BLACK Not of Hispanic Origin		HISPANIC		AMERICAN INDIAN OR ALASKAN NATIVE		ASIAN OR PACIFIC ISLANDER		WHITE Not of Hispanic Origin		APPRENTICES		ON-THE-JOB TRAINEES		
	M	F	M	F	M	F	M	F	M	F	M	F	M	F	M	F	M	F	
Officials (Managers)																			
Supervisors																			
Foremen/Women																			
Clerical																			
Equipment Operators																			
Mechanics																			
Truck Drivers																			
Ironworkers																			
Carpenters																			
Cement Masons																			
Electricians																			
Pipefitters, Plumbers																			
Painters																			
Laborers, Semi-Skilled																			
Laborers, Unskilled																			
TOTAL																			
Table B																			
Table C																			
Apprentices																			
On-the-Job Trainees																			
11. PREPARED BY: (Signature and Title)		DATE:		REVIEWED BY: (Signature and Title of State Highway Official)		DATE:												DATE:	

APPENDIX D TO SUBPART A OF PART 230

FEDERAL-AID HIGHWAY CONSTRUCTION
 SUMMARY OF EMPLOYMENT DATA (INCLUDING MINORITY BREAKDOWN) FOR ALL
 FEDERAL-AID HIGHWAY PROJECTS FOR MONTH ENDING JULY 31st, _____

OMB NO. 2125-0019

STATE-REGION (5-8)
 01

NUMBER OF PROJECTS (9-12)

TOTAL DOLLAR VALUE (13-23)

EMPLOYMENT DATA

Table A

JOB CATEGORIES	TOTAL EMPLOYEES		TOTAL MINORITIES		BLACK Not of Hispanic Origin		HISPANIC		AMERICAN INDIAN OR ALASKAN NATIVE		ASIAN OR PACIFIC ISLANDER		WHITE Not of Hispanic Origin		APPRENTICES		ON-THE-JOB TRAINEES	
	9-13	14-18	19-23	24-28	29-33	34-38	39-43	44-48	49-53	54-58	59-63	64-68	69-73	74-78	79-83	84-88	89-93	94-98
02 OFFICIALS (MANAGERS)	M	F	M	F	M	F	M	F	M	F	M	F	M	F	M	F	M	F
03 SUPERVISORS																		
04 FOREMEN/WOMEN																		
05 CLERICAL																		
06 EQUIPMENT OPERATORS																		
07 MECHANICS																		
08 TRUCK DRIVERS																		
09 IRONWORKERS																		
10 CARPENTERS																		
11 CEMENT MASONS																		
12 ELECTRICIANS																		
13 PIPEFITTERS, PLUMBERS																		
14 PAINTERS																		
15 LABORERS, SEMI-SKILLED																		
16 LABORERS, UNSKILLED																		
17 TOTAL																		

Table B

18 APPRENTICES																		
19 ON-THE-JOB TRAINEES																		
11. PREPARED BY (Signature & Title)	DATE		REVIEWED BY (Signature & Title of State Hwy. Official)		DATE													

This report is required by law and regulation (23 U.S.C. 140a and 23 CFR Part 230). Failure to report will result in non compliance with this regulation.

GENERAL INFORMATION AND INSTRUCTIONS

This form is to be developed from the "Contractor's Annual EEO Report." This data is to be compiled by the State and submitted annually. It should reflect the total employment on all Federal-Aid Highway Projects in the State as of July 31st. The staffing figures to be reported should represent the project work force on board in all or any part of the last payroll period preceding the end of July. The staffing figures to be reported in Table A should include journey-level men and women, apprentices, and on-the-job trainees. Staffing figures to be reported in Table B should include only apprentices and on-the-job trainees as indicated.

Entries made for "Job Categories" are to be confined to the listing shown. Miscellaneous job classifications are to be incorporated in the most appropriate category listed on the form. All employees on projects should thus be accounted for. This information will be useful in complying with the U.S. Senate Committee on Public Works request that the Federal Highway Administration submit a report annually on the status of the Equal Employment Opportunity Program, its effectiveness, and progress made by the States and the Administration in carrying out Section 22(A) of the Federal-Aid Highway Act of 1968. In addition, the form should be used as a valuable tool for States to evaluate their own programs for ensuring equal opportunity. It is requested that States submit this information annually to the FHWA Divisions no later than September 25.

Line 01—State & Region Code. Enter the 4-digit code from the list below.

Alabama	01-04	Montana	30-08
Alaska	02-10	Nebraska	31-07
Arizona	04-09	Nevada	32-09
Arkansas	05-06	New Hampshire	33-01
California	06-09	New Jersey	34-01
Colorado	08-08	New Mexico	35-06
Delaware	10-03	North Carolina	37-04
District of Columbia	11-03	North Dakota	38-08
Florida	12-04	Ohio	39-05
Georgia	13-04	Oklahoma	40-06
Hawaii	15-09	Oregon	41-10
Idaho	16-10	Pennsylvania	42-03
Illinois	17-05	Puerto Rico	43-01
Iowa	19-07	South Carolina	45-04
Kansas	20-07	South Dakota	46-08
Kentucky	21-04	Tennessee	47-04
Louisiana	22-06	Texas	48-06
Maine	23-01	Utah	49-08
Maryland	24-03	Vermont	50-01
Massachusetts	25-01	Virginia	51-03
Michigan	26-05	Washington	53-10
Minnesota	27-05	West Virginia	54-03
Mississippi	28-04	Wisconsin	55-05
Missouri	29-07	Wyoming	56-08

(23 U.S.C. sec. 140(a), 315, 49 CFR 1.48(b))

[44 FR 46832, Aug. 8, 1979. Correctly re-designated at 46 FR 21156, Apr. 9, 1981, and amended at 56 FR 4721, Feb. 6, 1991]

APPENDICES E-F TO SUBPART A OF PART 230 [RESERVED]

APPENDIX G TO SUBPART A OF PART 230—SPECIAL REPORTING REQUIREMENTS FOR “HOMETOWN” OR “IMPOSED” PLAN AREAS

In addition to the reporting requirements set forth elsewhere in this contract the contractor and the subcontractors holding subcontracts, not including material suppliers, of \$10,000 or more, shall submit for every month of July during which work is performed, employment data as contained under Form PR-1391 (Appendix C to 23 CFR part 230) and in accordance with the instructions included thereon. [40 FR 28053, July 3, 1975. Correctly re-designated at 46 FR 21156, Apr. 9, 1981]

Subpart B—Supportive Services for Minority, Disadvantaged, and Women Business Enterprises SOURCE: 50 FR 51243, Dec. 16, 1985, unless otherwise noted.

§ 230.201 Purpose.

To prescribe the policies, procedures, and guidance to develop, conduct, and administer supportive services assistance programs for minority, disadvantaged, and women business enterprises.

§ 230.202 Definitions.

- (a) *Minority Business Enterprise*, as used in this subpart, refers to all small businesses which participate in Federal-aid highway program as a minority business enterprise (MBE), women business enterprise (WBE), or disadvantaged business enterprise (DBE), all defined under 49 CFR part 23. This expanded definition is used only in this subpart as a simplified way of defining the firms eligible to benefit from this supportive services program.
- (b) *Supportive Services* means those services and activities provided in connection with minority business enterprise programs which are designed to increase the total number of minority businesses active in the highway program and contribute to the growth and eventual self-sufficiency of individual minority businesses so that such businesses may achieve proficiency to compete, on an equal basis, for contracts and subcontracts.
- (c) *State highway agency* means that department, commission, board, or official of any State charged by its laws with the responsibility for highway construction. The term *State* is considered equivalent to *State highway agency* if the context so implies.

§ 230.203 Policy.

Based on the provisions of Pub. L. 97-424, dated January 6, 1983, it is the policy of the Federal Highway Administration (FHWA) to promote increased participation of minority business enterprises in Federal-aid highway contracts in part through the development and implementation of cost effective supportive services programs through the State highway agencies.

§ 230.204 Implementation of supportive services.

- (a) Subject to the availability of funds under 23 U.S.C. 140(c), the State highway agency shall establish procedures to develop, conduct, and administer minority business enterprise training and assistance programs specifically for the benefit of women and minority businesses. Supportive services funds allocated to the States shall not be used to finance the training of State highway agency employees or to provide services in support of such training. State highway agencies are not required to match funds allocated to them under this Section. Individual States are encouraged to be actively involved in the provision of supportive services. Such involvement can take the form of staff, funding, and/or direct assistance to augment the supportive services efforts financed by Federal-aid funds.

- (b) State highway agencies shall give preference to the following types of services:
- (1) Services relating to identification, prequalification, and certification assistance, with emphasis on increasing the total number of legitimate minority business enterprises participating in the Federal-aid highway program;
 - (2) Services in connection with estimating, bidding, and technical assistance designed to develop and improve the capabilities of minority businesses and assist them in achieving proficiency in the technical skills involved in highway construction;
 - (3) Services designed to develop and improve the immediate and long-term business management, recordkeeping, and financial accounting capabilities;
 - (4) Services to assist minority business enterprises to become eligible for and to obtain bonding and financial assistance;
 - (5) Services relating to verification procedures to ensure that only *bona fide* minority business enterprises are certified as eligible for participation in the Federal-aid highway program;
 - (6) Follow-up services to ascertain the outcome of training and assistance being provided; and
 - (7) Other services which contribute to long-term development, increased opportunities, and eventual self-sufficiency of minority business enterprises.
- (c) A detailed work statement of the supportive services which the State highway agency considers to meet the guidance under this regulation and a program plan for meeting the requirements of paragraph (b) of this Section and accomplishing other objectives shall be submitted to the FHWA for approval.
- (d) State highway agencies which desire to provide or obtain services other than those listed in paragraph (b) of this Section shall submit their proposals to the FHWA for approval.
- 1 Form FHWA-1273 is available for inspection and copying at the locations given in 49 FR part 7, Appendix D, under Document Inspection Facilities, and at all State highway agencies
- (e) When the State highway agency provides supportive services by contract, formal advertising is not required by FHWA; however, the State highway agency shall solicit proposals from such qualified sources as will assure the competitive nature of the procurement. The evaluation of proposals by the State highway agency must include consideration of the proposer's ability to effect a productive relationship with majority and minority contractors, contractors' associations, minority groups, and other persons or organizations whose cooperation and assistance will increase the opportunities for minority business enterprises to compete for and perform contracts and subcontracts.
- (f) In the selection of contractors to perform supportive services, State highway agencies shall make conscientious efforts to search out, and utilize the services of qualified minority or women organizations, or minority or women enterprises.
- (g) As a minimum, State highway agency contracts to obtain supportive services shall include the following provisions:
- (1) A statement that a primary purpose of the supportive services is to increase the total number of minority firms participating in the Federal-aid highway program and to contribute to the growth and eventual self-sufficiency of minority firms;
 - (2) A statement that supportive services shall be provided only to those minority business enterprises determined to be eligible for participation in the Federal-aid highway program in accordance with 49 CFR part 23 and have a work specialty related to the highway construction industry;
 - (3) A clear and complete statement of the services to be provided under the contract, such as technical assistance, managerial assistance, counseling, certification assistance, and follow-up procedures as set forth in § 230.204(b) of this part;

- (4) The nondiscrimination provisions required by Title VI of the Civil Rights Act of 1964 as set forth in Form FHWA– 1273, Required Contract Provisions, Federal-Aid Construction Contracts, 1 and a statement of nondiscrimination in employment because of race, color, religion, sex, or national origin;
 - (5) The establishment of a definite period of contract performance together with, if appropriate, a schedule stating when specific supportive services are to be provided;
 - (6) Monthly or quarterly reports to the State highway agency containing sufficient data and narrative content to enable evaluation of both progress and problems;
 - (7) The basis of payment;
 - (8) An estimated schedule for expenditures;
 - (9) The right of access to records and the right to audit shall be granted to authorize State highway agency and FHWA officials;
 - (10) Non-collusion certification;
 - (11) A requirement that the contractor provide all information necessary to support progress payments if such are provided for in the contract; and
 - (12) A termination clause.
- (h) The State highway agency is to furnish copies of the reports received under paragraph(g)(6) of this Section to the FHWA division office.

[50 FR 51243, Dec. 16, 1985, as amended at 52 FR 36922, Oct. 2, 1987]

§ 230.205 Supportive services funds obligation.

Supportive services funds shall be obligated in accordance with the procedures set forth in § 230.117(b) of this part. The point of obligation is defined as that time when the FHWA has approved a detailed work statement for the supportive services.

§ 230.206 Monitoring supportive services.

Supportive services programs shall be continually monitored and evaluated by the State highway agency so that needed improvements can be identified and instituted. This requires the documentation of valid effectiveness measures by which the results of program efforts may be accurately assessed.

§ 230.207 Sources of assistance.

It is the policy of the FHWA that all potential sources of assistance to minority business enterprises be utilized. The State highway agency shall take actions to ensure that supportive services contracts reflect the availability of all sources of assistance in order to maximize resource utilization and avoid unnecessary duplication.

Subpart C—State Highway Agency Equal Employment Opportunity Programs
SOURCE: 41 FR 28270, July 9, 1976, unless otherwise noted.

§ 230.301 Purpose.

The purpose of the regulations in this subpart is to set forth Federal Highway Administration (FHWA) Federal-aid policy and FHWA and State responsibilities relative to a State highway agency's internal equal employment opportunity program and for assuring compliance with the equal employment opportunity requirements of federally assisted highway construction contracts.

§ 230.303 Applicability.

The provisions of this subpart are applicable to all States that receive Federal financial assistance in connection with the Federal-aid highway program.

§ 230.305 Definitions.

As used in this subpart, the following definitions apply:

- (a) *Affirmative Action Plan* means:
 - (1) With regard to State highway agency work forces, a written document detailing the positive action steps the State highway agency will take to assure internal equal employment opportunity (internal plan).
 - (2) With regard to Federal-aid construction contract work forces, the Federal equal employment opportunity bid conditions, to be enforced by a State highway agency in the plan areas established by the Secretary of Labor and FHWA special provisions in non-plan areas (external plan).
- (b) *Equal employment opportunity program* means the total State highway agency program, including the affirmative action plans, for ensuring compliance with Federal requirements both in State highway agency internal employment and in employment on Federal-aid construction projects.
- (c) *Minority groups*. An employee may be included in the minority group to which he or she appears to belong, or is regarded in the community as belonging. As defined by U.S. Federal agencies for employment purposes, minority group persons in the U.S. are identified as Blacks (not of Hispanic origin), Hispanics, Asian or Pacific Islanders, and American Indians or Alaskan Natives.
- (d) *Racial/ethnic identification*. For the purpose of this regulation and any accompanying report requirements, an employee may be included in the group to which he or she appears to belong, identifies with, or is regarded in the community as belonging. However, no person should be counted in more than one racial/ethnic category. The following group categories will be used:
 - (1) The category *White (not of Hispanic origin)*: All persons having origins in any of the original peoples of Europe, North Africa, the Middle East, or the Indian Subcontinent.
 - (2) The category *Black (not of Hispanic origin)*: All persons having origins in any of the Black racial groups.
 - (3) The category *Hispanic*: All persons of Mexican, Puerto Rican, Cuban, Central or South American, or other Spanish culture or origin, regardless of race.
 - (4) The category *Asian or Pacific Islanders*: All persons having origins in any of the original peoples of the Far East, Southeast Asia, or the Pacific Islands. This area includes, for example, China, Japan, Korea, the Philippine Islands, and Samoa.
 - (5) The category *American Indian or Alaskan Native*: All persons having origins in any of the original peoples of North America.
- (e) *State* means any of the 50 States of the United States, the District of Columbia, the Commonwealth of Puerto Rico, Guam, American Samoa, and the Virgin Islands.

- (f) *State highway agency* means that department, commission, board, or official of any State charged by its laws with the responsibility for highway construction. The term *State* should be considered equivalent to *State highway agency* if the context so implies. [41 FR 28270, July 9, 1976, as amended at 41 FR 46293, Oct. 20, 1976]

§ 230.307 Policy.

Every employee and representative of State highway agencies shall perform all official equal employment opportunity actions in an affirmative manner, and in full accord with applicable statutes, executive orders, regulations, and policies enunciated thereunder, to assure the equality of employment opportunity, without regard to race, color, religion, sex, or national origin both in its own work force and in the work forces of contractors, subcontractors, and material suppliers engaged in the performance of Federal-aid highway construction contracts.

§ 230.309 Program format.

It is essential that a standardized Federal approach be taken in assisting the States in development and implementation of EEO programs. The format set forth in Appendix A provides that standardized approach. State equal employment opportunity programs that meet or exceed the prescribed standards will comply with basic FHWA requirements.

§ 230.311 State responsibilities.

- (a) Each State highway agency shall prepare and submit an updated equal employment opportunity program, one year from the date of approval of the preceding program by the Federal Highway Administrator, over the signature of the head of the State highway agency, to the Federal Highway Administrator through the FHWA Division Administrator. The program shall consist of the following elements:
- (1) The collection and analysis of internal employment data for its entire work force in the manner prescribed in part II, paragraph III of Appendix A; and
 - (2) The equal employment opportunity program, including the internal affirmative action plan, in the format and manner set forth in Appendix A.

In preparation of the program required by § 230.311(a), the State highway agency shall consider and respond to written comments from FHWA regarding the preceding program.

§ 230.313 Approval procedure.

After reviewing the State highway agency equal employment opportunity program and the summary analysis and recommendations from the FHWA regional office, the Washington Headquarters Office of Civil Rights staff will recommend approval or disapproval of the program to the Federal Highway Administrator. The State highway agency will be advised of the Administrator's decision. Each program approval is effective for a period of one year from date of approval.

APPENDIX A TO SUBPART C OF PART 230—STATE HIGHWAY AGENCY EQUAL EMPLOYMENT OPPORTUNITY PROGRAMS

Each State highway agency's (SHA) equal employment opportunity (EEO) program shall be in the format set forth herein and shall address Contractor Compliance (part I) and SHA Internal Employment (part II), including the organizational structure of the SHA total EEO Program (internal and external).

PART I—CONTRACTOR COMPLIANCE

I. *Organization and structure.*

A. *State highway agency EEO Coordinator (External) and staff support.*

1. Describe the organizational location and responsibilities of the State highway agency EEO Coordinator. (Provided organization charts of the State highway agency and of the EEO staff.)
2. Indicate whether full or part-time; if part-time, indicate percentage of time devoted to EEO.
3. Indicate length of time in position, civil rights experience and training, and supervision.
4. Indicate whether compliance program is centralized or decentralized.
5. Identify EEO Coordinator's staff support (full- and part-time) by job Title and indicate areas of their responsibilities.
6. Identify any other individuals in the central office having a responsibility for the implementation of this program and describe their respective roles and training received in program area.

B. *District or division personnel.*

1. Describe the responsibilities and duties of any district EEO personnel. Identify to whom they report.
2. Explain whether district EEO personnel are full-time or have other responsibilities such as labor compliance or engineering.
3. Describe training provided for personnel having EEO compliance responsibility.

C. *Project personnel.* Describe the EEO role of project personnel.

II. *Compliance procedures.*

A. *Applicable directives.*

1. FHWA Contract Compliance Procedures.
2. EEO Special Provisions (FHWA Federal-Aid Highway Program Manual, vol. 6, chap. 4, sec. 1, subsec. 2, Attachment 1)¹
3. Training Special Provisions (FHWA Federal-Aid Highway Program Manual, vol. 6, chap. 4, sec. 1, subsec. 2, Attachment 2)¹
4. FHWA Federal-Aid Highway Program Manual, vol. 6, chap. 4, sec. 1, subsec. 6 (Contract Procedures), and subsec. 8 (Minority Business Enterprise)¹

B. *Implementation.*

1. Describe process (methods) of incorporating the above FHWA directives into the SHA compliance program.
2. Describe the methods used by the State to familiarize State compliance personnel with all FHWA contract compliance directives. Indicate frequency of work shops, training sessions, etc.
3. Describe the procedure for advising the contractor of the EEO contract requirements at any preconstruction conference held in connection with a Federal-aid contract.

¹ The Federal-Aid Highway Program Manual is available for inspection and copying at the Federal Highway Administration (FHWA), 400 7th St., SW., Washington, DC 20590, or at FHWA offices listed in 49 CFR part 7, Appendix D.

III. Accomplishments.

Describe accomplishments in the construction EEO compliance program during the past fiscal year.

A. *Regular project compliance review program.*

This number should include at least all of the following items:

1. Number of compliance reviews conducted.
2. Number of contractors reviewed.
3. Number of contractors found in compliance.
4. Number of contractors found in noncompliance.
5. Number of show cause notices issued.
6. Number of show cause notices rescinded.
7. Number of show cause actions still under conciliation and unresolved.
8. Number of follow-up reviews conducted.

(NOTE: In addition to information requested in items 4–8 above, include a brief summary of total show cause and follow-up activities—findings and achievements.)

B. *Consolidated compliance reviews.*

1. Identify the target areas that have been reviewed since the inception of the consolidated compliance program. Briefly summarize total findings.
2. Identify any significant impact or effect of this program on contractor compliance.

C. *Home office reviews.* If the State conducts home office reviews, describe briefly the procedures followed by State.

D. *Major problems encountered.* Describe major problems encountered in connection with any review activities during the past fiscal year.

E. *Major breakthroughs.* Comment briefly on any major breakthrough or other accomplishment significant to the compliance review program.

IV. Areawide plans/Hometown and Imposed (if applicable).

A. Provide overall analysis of the effectiveness of each areawide plan in the State.

B. Indicate by job Titles the number of State personnel involved in the collection, consolidation, preparation, copying, reviewing, analysis, and transmittal of area plan reports (Contracting Activity and Post Contract Implementation). Estimate the amount of time (number of hours) spent collectively on this activity each month. How does the State use the plan report data?

C. Identify Office of Federal Contract Compliance Programs (OFCCP) area plan audits or compliance checks in which State personnel participated during the last fiscal year. On the average, how many hours have been spent on these audits and/or checks during the past fiscal year?

D. Describe the working relationship of State EEO compliance personnel with representatives of plan administrative committee(s).

E. Provide recommendations for improving the areawide plan program and the reporting system.

V. *Contract sanctions.*

- A. Describe the procedures used by the State to impose contract sanctions or institute legal proceedings.
- B. Indicate the State or Federal laws which are applicable.
- C. Does the State withhold a contractor's progress payments for failure to comply with EEO requirements? If so, identify contractors involved in such actions during the past fiscal year. If not, identify other actions taken.

VI. *Complaints.*

- A. Describe the State's procedures for handling discrimination complaints against contractors.
- B. If complaints are referred to a State fair employment agency or similar agency, describe the referral procedure.
- C. Identify the Federal-aid highway contractors that have had discrimination complaints filed against them during the past fiscal year and provide current status.

VII. *External training programs, including supportive services.*

- A. Describe the State's process for reviewing the work classifications of trainees to determine that there is a proper and reasonable distribution among appropriate craft.
- B. Describe the State's procedures for identifying the number of minorities and women who have completed training programs.
- C. Describe the extent of participation by women in construction training programs.
- D. Describe the efforts made by the State to locate and use the services of qualified minority and female supportive service consultants. Indicate if the State's supportive service contractor is a minority or female owned enterprise.
- E. Describe the extent to which reports from the supportive service contractors provide sufficient data to evaluate the status of training programs, with particular reference to minorities and women.

VIII. *Minority business enterprise program.*

FHPM 6-4-1-8 sets forth the FHWA policy regarding the minority business enterprise program. The implementation of this program should be explained by responding to the following:

- A. Describe the method used for listing of minority contractors capable of, or interested in, highway construction contracting or subcontracting. Describe the process used to circulate names of appropriate minority firms and associations to contractors obtaining contract proposals.
- B. Describe the State's procedure for insuring that contractors take action to affirmatively solicit the interest, capability, and prices of potential minority subcontractors.
- C. Describe the State's procedure for insuring that contractors have designated liaison officers to administer the minority business enterprise program in an effective manner. Specify resource material, including contracts, which the State provides to liaison officers.

- D. Describe the action the State has taken to meet its goals for prequalification or licensing of minority business. Include dollar goals established for the year, and describe what criteria or formula the State has adopted for setting such goals. If it is different from the previous year, describe in detail.
- E. Outline the State's procedure for evaluating its prequalification/licensing requirements.
- F. Identify instances where the State has waived prequalification for subcontractors on Federal-aid construction work or for prime contractors on Federal-aid contracts with an estimated dollar value lower than \$100,000.
- G. Describe the State's methods of monitoring the progress and results of its minority business enterprise efforts.

IX. *Liaison.*

Describe the liaison established by the State between public (State, county, and municipal) agencies and private organizations involved in EEO programs. How is the liaison maintained on a continuing basis?

X. *Innovative programs.*

Identify any innovative EEO programs or management procedures initiated by the State and not previously covered.z

PART II—STATE HIGHWAY AGENCY EMPLOYMENT

I. *General.* The State highway agency's (SHA) internal program is an integral part of the agency's total activities. It should include the involvement, commitment and support of executives, managers, supervisors and all other employees. For effective administration and implementation of the EEO Program, an affirmative action plan (AAP) is required. The scope of an EEO program and an AAP must be comprehensive, covering all elements of the agency's personnel management policies and practices. The major part of an AAP must be recognition and removal of any barriers to equal employment opportunity, identification of problem areas and of persons unfairly excluded or held back and action enabling them to compete for jobs on an equal basis. An effective AAP not only benefits those who have been denied equal employment opportunity but will also greatly benefit the organization which often has overlooked, screened out or underutilized the great reservoir of untapped human resources and skills, especially among women and minority groups. Set forth are general guidelines designed to assist the State highway agencies in implementing internal programs, including the development and implementation of AAP's to ensure fair and equal treatment for all persons, regardless of race, color, religion, sex or national origin in all employment practices.

II. *Administration and implementation.* The head of each State highway agency is responsible for the overall administration of the internal EEO program, including the total integration of equal opportunity into all facets of personnel management. However, specific program responsibilities should be assigned for carrying out the program at all management levels. To ensure effectiveness in the implementation of the internal EEO program, a specific and realistic AAP should be developed. It should include both short and long-range objectives, with priorities and target dates for achieving goals and measuring progress, according to the agency's individual need to overcome existing problems.

A. State Highway Agency Affirmative Action Officer (internal).

1. Appointment of Affirmative Action Officer.

The head of the SHA should appoint a qualified Affirmative Action (AA) Officer (Internal EEO Officer) with responsibility and authority to implement the internal EEO program. In making the selection, the following factors should be considered:

- a. The person appointed should have proven ability to accomplish major program goals.
- b. Managing the internal EEO program requires a major time commitment; it cannot be added on to an existing full-time job.
- c. Appointing qualified minority and/or female employees to head or staff the program may offer good role models for present and potential employees and add credibility to the programs involved. However, the most essential requirements for such position(s) are sensitivity to varied ways in which discrimination limits job opportunities, commitment to program goals and sufficient status and ability to work with others in the agency to achieve them.

2. Responsibilities of the Affirmative Action Officer.

The responsibilities of the AA Officer should include, but not necessarily be limited to:

- a. Developing the written AAP.
- b. Publicizing its content internally and externally.
- c. Assisting managers and supervisors in collecting and analyzing employment data, identifying problem areas, setting goals and timetables and developing programs to achieve goals. Programs should include specific remedies to eliminate any discriminatory practices discovered in the employment system.
- d. Handling and processing formal discrimination complaints.
- e. Designing, implementing and monitoring internal audit and reporting systems to measure program effectiveness and to determine where progress has been made and where further action is needed.

- f. Reporting, at least quarterly, to the head of the SHA on progress and deficiencies of each unit in relation to agency goals.
- g. In addition, consider the creation of:
 - (1) An EEO Advisory Committee, whose membership would include top management officials,
 - (2) An EEO Employee Committee, whose membership would include rank and file employees, with minority and female representatives from various job levels and departments to meet regularly with the AA officer, and
 - (3) An EEO Counseling Program to attempt informal resolution of discrimination complaints.

B. Contents of an affirmative action plan.

The Affirmative Action Plan (AAP) is an integral part of the SHA's EEO program. Although the style and format of AAP's may vary from one SHA to another, the basic substance will generally be the same. The essence of the AAP should include, but not necessarily be limited to:

- 1. Inclusion of a strong agency policy statement of commitment to EEO.
- 2. Assignment of responsibility and authority for program to a qualified individual.
- 3. A survey of the labor market area in terms of population makeup, skills, and availability for employment.
- 4. Analyzing the present work force to identify jobs, departments and units where minorities and females are underutilized.
- 5. Setting specific, measurable, attainable hiring and promotion goals, with target dates, in each area of under-utilization.
- 6. Making every manager and supervisor responsible and accountable for meeting these goals.
- 7. Reevaluating job descriptions and hiring criteria to assure that they reflect actual job needs.
- 8. Finding minorities and females who are qualified or qualifiable to fill jobs.
- 9. Getting minorities and females into upward mobility and relevant training programs where they have not had previous access.
- 10. Developing systems to monitor and measure progress regularly. If results are not satisfactory to meet goals, determine the reasons and make necessary changes.
- 11. Developing a procedure whereby employees and applicants may process allegations of discrimination to an impartial body without fear of reprisal.

C. Implementation of an affirmative action plan.

The written AAP is the framework and management tool to be used at all organizational levels to actively implement, measure and evaluate program progress on the specific action items which represent EEO program problems or deficiencies. The presence of a written plan alone does not constitute an EEO program, nor is it, in itself, evidence of an ongoing program. As a minimum, the following specific actions should be taken.

- 1. *Issue written equal employment opportunity policy statement and affirmative action commitment.*
To be effective, EEO policy provisions must be enforced by top management, and all employees must be made aware that EEO is basic agency policy. The head of the SHA (1) should issue a firm statement of

personal commitment, legal obligation and the importance of EEO as an agency goal, and (2) assign specific responsibility and accountability to each executive, manager and supervisor. The statement should include, but not necessarily be limited to, the following elements:

- a. EEO for all persons, regardless of race, color, religion, sex or national origin as a fundamental agency policy.
- b. Personal commitment to and support of EEO by the head of the SHA.
- c. The requirement that special affirmative action be taken throughout the agency to overcome the effects of past discrimination.
- d. The requirement that the EEO program be a goal setting program with measurement and evaluation factors similar to other major agency programs.
- e. Equal opportunity in all employment practices, including (but not limited to) recruiting, hiring, transfers, promotions, training, compensation, benefits, recognition (awards), layoffs, and other terminations.
- f. Responsibility for positive affirmative action in the discharge of EEO programs, including performance evaluations of managers and supervisors in such functions, will be expected of and shared by all management personnel.
- g. Accountability for action or inaction in the area of EEO by management personnel.

2. *Publicize the affirmative action plan.*

- a. *Internally:*
 - (1) Distribute written communications from the head of the SHA.
 - (2) Include the AAP and the EEO policy statement in agency operations manual.
 - (3) Hold individual meetings with managers and supervisors to discuss the program, their individual responsibilities and to review progress.
 - (4) Place Federal and State EEO posters on bulletin boards, near time clocks and in personnel offices.
 - (5) Publicize the AAP in the agency newsletters and other publications.
 - (6) Present and discuss the AAP as a part of employee orientation and all training programs.
 - (7) Invite employee organization representatives to cooperate and assist in developing and implementing the AAP.
- b. *Externally:* Distribute the AAP to minority groups and women's organizations, community action groups, appropriate State agencies, professional organizations, etc.

3. *Develop and implement specific programs to eliminate discriminatory barriers and achieve goals.*

- a. *Job structuring and upward mobility:* The AAP should include specific provisions for:
 - (1) Periodic classification plan reviews to correct inaccurate position descriptions and to ensure that positions are allocated to the appropriate classification.
 - (2) Plans to ensure that all qualification requirements are closely job related.
 - (3) Efforts to restructure jobs and establish entry level and trainee positions to facilitate progression within occupational areas.
 - (4) Career counseling and guidance to employees.
 - (5) Creating career development plans for lower grade employees who are underutilized or who demonstrate potential for advancement.
 - (6) Widely publicizing upward mobility programs and opportunities within each work unit and within the total organizational structure.

- b. *Recruitment and placement.* The AAP should include specific provisions for, but not necessarily limited to:
- (1) Active recruitment efforts to support and supplement those of the central personnel agency or department, reaching all appropriate sources to obtain qualified employees on a nondiscriminatory basis.
 - (2) Maintaining contracts with organizations representing minority groups, women, professional societies, and other sources of candidates for technical, professional and management level positions.
 - (3) Ensuring that recruitment literature is relevant to all employees, including minority groups and women.
 - (4) Reviewing and monitoring recruitment and placement procedures so as to assure that no discriminatory practices exist.
 - (5) Cooperating with management and the central personnel agency on the review and validation of written tests and other selection devices.
 - (6) Analyzing the flow of applicants through the selection and appointment process, including an analytical review of reasons for rejections.
 - (7) Monitoring the placement of employees to ensure the assignment of work and workplace on a nondiscriminatory basis.
- c. *Promotions.* The AAP should include specific provisions for, but not necessarily limited to:
- (1) Establishing an agency-wide merit promotion program, including a merit promotion plan, to provide equal opportunity for all persons based on merit and without regard to race, color, religion, sex or national origin.
 - (2) Monitoring the operation of the merit promotion program, including a review of promotion actions, to assure that requirements procedures and practices support EEO program objectives and do not have a discriminatory impact in actual operation.
 - (3) Establishing skills banks to match employee skills with available job advancement opportunities.
 - (4) Evaluating promotion criteria (supervisory evaluations, oral interviews, written tests, qualification standards, etc.) and their use by selecting officials to identify and eliminate factors which may lead to improper “selection out” of employees or applicants, particularly minorities and women, who traditionally have not had access to better jobs. It may be appropriate to require selecting officials to submit a written justification when well qualified persons are passed over for upgrading or promotion.
 - (5) Assuring that all job vacancies are posted conspicuously and that all employees are encouraged to bid on all jobs for which they feel they are qualified.
 - (6) Publicizing the agency merit promotion program by highlighting breakthrough promotions, *i.e.*, advancement of minorities and women to key jobs, new career heights, etc.
- d. *Training.* The AAP should include specific provisions for, but not necessarily limited to:
- (1) Requiring managers and supervisors to participate in EEO seminars covering the AAP, the overall EEO program and the administration of the policies and procedures incorporated therein, and on Federal, State and local laws relating to EEO.
 - (2) Training in proper interviewing techniques of employees who conduct employment selection interviews.
 - (3) Training and education programs designed to provide opportunities for employees to advance in relation to the present and projected manpower needs of the agency and the employees’ career goals.
 - (4) The review of profiles of training course participants to ensure that training opportunities are being offered to all eligible employees on an equal basis and to correct any inequities discovered.

- e. *Layoffs, recalls, discharges, demotions, and disciplinary actions.* The standards for deciding when a person shall be terminated, demoted, disciplined, laid off or recalled should be the same for all employees, including minorities and females. Seemingly neutral practices should be reexamined to see if they have a disparate effect on such groups. For example, if more minorities and females are being laid off because they were the last hired, then, adjustments should be made to assure that the minority and female ratios do not decrease because of these actions.
 - (1) When employees, particularly minorities and females, are disciplined, laid off, discharged or downgraded, it is advisable that the actions be reviewed by the AA Officer before they become final.
 - (2) Any punitive action (*i.e.*, harassment, terminations, demotions), taken as a result of employees filing discrimination complaints, is illegal.
 - (3) The following records should be kept to monitor this area of the internal EEO program:
 - (4) On all terminations, including layoffs and discharges: indicate total number, name, (home address and phone number), employment date, termination date, recall rights, sex, racial/ethnic identification (by job category), type of termination and reason for termination.
 - (5) On all demotions: indicate total number, name, (home address and phone number), demotion date, sex, racial/ethnic identification (by job category), and reason for demotion.
 - (6) On all recalls: indicate total number, name, (home address and phone number) recall date, sex, and racial/ethnic identification (by job category).
 - (7) Exit interviews should be conducted with employees who leave the employment of the SHA.
 - f. *Other personnel actions.* The AAP should include specific provisions for, but not necessarily limited to:
 - (1) Assuring that information on EEO counseling and grievance procedures is easily available to all employees.
 - (2) A system for processing complaints alleging discrimination because of race, color, religion, sex or national origin to an impartial body.
 - (3) A system for processing grievances and appeals (*i.e.*, disciplinary actions, adverse actions, adverse action appeals, etc).
 - (4) Including in the performance appraisal system a factor to rate manager's and supervisors' performance in discharging the EEO program responsibilities assigned to them.
 - (5) Reviewing and monitoring the performance appraisal program periodically to determine its objectivity and effectiveness.
 - (6) Ensuring the equal availability of employee benefits to all employees.
4. *Program evaluation.* An internal reporting system to continually audit, monitor and evaluate programs is essential for a successful AAP. Therefore, a system providing for EEO goals, timetables, and periodic evaluations needs to be established and implemented. Consideration should be given to the following actions:
- a. Defining the major objectives of EEO program evaluation.
 - b. The evaluation should be directed toward results accomplished, not only at efforts made.
 - c. The evaluation should focus attention on assessing the adequacy of problem identification in the AAP and the extent to which the specific action steps in the plan provide solutions.
 - d. The AAP should be reviewed and evaluated at least annually. The review and evaluation procedures should include, but not be limited to, the following:
 - (1) Each bureau, division or other major component of the agency should make annual and such other periodic reports as are needed to provide an accurate review of the operations of the AAP in that component.
 - (2) The AA Officer should make an annual report to the head of the SHA, containing the overall status of the program, results achieved toward established objectives, identity of any particular problems encountered and recommendations for corrective actions needed.

- e. Specific, numerical goals and objectives should be established for the ensuing year. Goals should be developed for the SHA as a whole, as well as for each unit and each job category.

III. *Employment statistical data.* A. As a minimum, furnish the most recent data on the following:

1. The total population in the State,
2. The total labor market in State, with a breakdown by racial/ethnic identification and sex, and
3. An analysis of (1) and (2) above, in connection with the availability of personnel and jobs within SHA's.

B. State highway agencies shall use the EEO-4 Form in providing current work force data. This data shall reflect only State department of transportation/State highway department employment.

[41 FR 28270, July 9, 1976, as amended at 41 FR 46294, Oct. 20, 1976]

D. EMPLOYMENT DATA AS OF JUNE 30

(Do not include elected/appointed officials. Blanks will be counted as zero)

1. FULL-TIME EMPLOYEES (Temporary employees are not included)

JOB CATEGORIES	ANNUAL SALARY (In thousands 000)	Total Columns (B-K) A	MALE					FEMALE				
			NON-HISPANIC ORIGIN		HISPANIC D	ASIAN OR PACIFIC ISLANDER E	AMERICAN INDIAN OR ALASKAN NATIVE F	NON-HISPANIC ORIGIN		HISPANIC I	ASIAN OR PACIFIC ISLANDER J	AMERICAN INDIAN OR ALASKAN NATIVE K
			WHITE B	BLACK C				WHITE G	BLACK H			
OFFICIALS/ ADMINISTRATORS	1. \$0.1-15.9											
	2. 16.0-19.9											
	3. 20.0-24.9											
	4. 25.0-32.9											
	5. 33.0-42.9											
	6. 43.0-54.9											
	7. 55.0-69.9											
	8. 70.0 PLUS											
PROFESSIONALS	9. \$0.1-15.9											
	10. 16.0-19.9											
	11. 20.0-24.9											
	12. 25.0-32.9											
	13. 33.0-42.9											
	14. 43.0-54.9											
	15. 55.0-69.9											
	16. 70.0 PLUS											
TECHNICIANS	17. \$0.1-15.9											
	18. 16.0-19.9											
	19. 20.0-24.9											
	20. 25.0-32.9											
	21. 33.0-42.9											
	22. 43.0-54.9											
	23. 55.0-69.9											
	24. 70.0 PLUS											
PROTECTIVE SERVICES	25. \$0.1-15.9											
	26. 16.0-19.9											
	27. 20.0-24.9											
	28. 25.0-32.9											
	29. 33.0-42.9											
	30. 43.0-54.9											
	31. 55.0-69.9											
	32. 70.0 PLUS											
PARA-PROFESSIONALS	33. \$0.1-15.9											
	34. 16.0-19.9											
	35. 20.0-24.9											
	36. 25.0-32.9											
	37. 33.0-42.9											
	38. 43.0-54.9											
	39. 55.0-69.9											
	40. 70.0 PLUS											
ADMINISTRATIVE SUPPORT	41. \$0.1-15.9											
	42. 16.0-19.9											
	43. 20.0-24.9											
	44. 25.0-32.9											
	45. 33.0-42.9											
	46. 43.0-54.9											
	47. 55.0-69.9											
	48. 70.0 PLUS											

D. EMPLOYMENT DATA AS OF JUNE 30

(Do not include elected/appointed officials. Blanks will be counted as zero)

1. FULL-TIME EMPLOYEES (Temporary employees are not included)

JOB CATEGORIES	ANNUAL SALARY (In thousands 000)	Total Columns (B-K) A	MALE					FEMALE				
			NON-HISPANIC ORIGIN		HISPANIC D	ASIAN OR PACIFIC ISLANDER E	AMERICAN INDIAN OR ALASKAN NATIVE F	NON-HISPANIC ORIGIN		HISPANIC I	ASIAN OR PACIFIC ISLANDER J	AMERICAN INDIAN OR ALASKAN NATIVE K
			WHITE B	BLACK C				WHITE G	BLACK H			
SKILLED CRAFT	49. \$0.1-15.9											
	50. 16.0-19.9											
	51. 20.0-24.9											
	52. 25.0-32.9											
	53. 33.0-42.9											
	54. 43.0-54.9											
	55. 55.0-69.9											
	56. 70.0 PLUS											
SERVICE/MAINTENANCE	57. \$0.1-15.9											
	58. 16.0-19.9											
	59. 20.0-24.9											
	60. 25.0-32.9											
	61. 33.0-42.9											
	62. 43.0-54.9											
	63. 55.0-69.9											
	64. 70.0 PLUS											
65. TOTAL FULL-TIME (Lines 1 - 64)												

2. OTHER THAN FULL-TIME EMPLOYEES (Include temporary employees)

66. OFFICIALS/ADMIN.												
67. PROFESSIONALS												
68. TECHNICIANS												
69. PROTECTIVE SERV.												
70. PARA-PROFESSIONAL												
71. OFFICE/CLERICAL												
72. SKILLED CRAFT												
73. SERV./MAINT.												
74. TOTAL OTHER THAN FULL-TIME (LINES 66-73)												

**3. NEW HIRES DURING FISCAL YEAR - Permanent full-time only.
JULY 1 - JUNE 30**

75. OFFICIALS/ADMIN.												
76. PROFESSIONALS												
77. TECHNICIANS												
78. PROTECTIVE SERV.												
79. PARA-PROFESSIONAL												
80. OFFICE/CLERICAL												
81. SKILLED CRAFT												
82. SERV./MAINT.												
83. TOTAL NEW HIRES (LINES 75-82)												

**Subpart D—Construction Contract
Equal Opportunity Compliance Procedures**
SOURCE: 41 FR 34239, Aug. 13, 1976, unless otherwise noted.

§ 230.401 Purpose.

The purpose of the regulations in this subpart is to prescribe policies and procedures to standardize the implementation of the equal opportunity contract compliance program, including compliance reviews, consolidated compliance reviews, and the administration of areawide plans.

§ 230.403 Applicability.

The procedures set forth hereinafter apply to all nonexempt direct Federal and Federal-aid highway construction contracts and subcontracts, unless otherwise specified.

§ 230.405 Administrative responsibilities.

- (a) *Federal Highway Administration (FHWA) responsibilities.*
- (1) The FHWA has the responsibility to ensure that contractors meet contractual equal opportunity requirements under E.O. 11246, as amended, and Title 23 U.S.C., and to provide guidance and direction to States in the development and implementation of a program to assure compliance with equal opportunity requirements.
 - (2) The Federal Highway Administrator or a designee may inquire into the status of any matter affecting the FHWA equal opportunity program and, when considered necessary, assume jurisdiction over the matter, proceeding in coordination with the State concerned. This is without derogation of the authority of the Secretary of Transportation, Department of Transportation (DOT), the Director, DOT Departmental Office of Civil Rights (OCR) or the Director, Office of Federal Contract Compliance Programs (OFCCP), Department of Labor.
 - (3) Failure of the State highway agency (SHA) to discharge the responsibilities stated in § 230.405(b)(1) may result in DOT's taking any or all of the following actions (See Appendix A to 23 CFR part 630, subpart C "Federal-aid project agreement"):
 - (i) Cancel, terminate, or suspend the Federal-aid project agreement in whole or in part;
 - (ii) Refrain from extending any further assistance to the SHA under the program with respect to which the failure or refusal occurred until satisfactory assurance of future compliance has been received from the SHA; and
 - (iii) Refer the case to an appropriate Federal agency for legal proceedings.
 - (4) Action by the DOT, with respect to noncompliant contractors, shall not relieve a SHA of its responsibilities in connection with these same matters; nor is such action by DOT a substitute for corrective action utilized by a State under applicable State laws or regulations.
- (b) *State responsibilities.*
- (1) The SHA's, as contracting agencies, have a responsibility to assure compliance by contractors with the requirements of Federal-aid construction contracts, including the equal opportunity requirements, and to assist in and cooperate with FHWA programs to assure equal opportunity.
 - (2) The corrective action procedures outlined herein do not preclude normal contract administration procedures by the States to ensure the contractor's completion of specific contract equal opportunity requirements, as long as such procedures support, and sustain the objectives of E.O. 11246, as amended. The State shall inform FHWA of any actions taken against a contractor under normal State contract administration procedures, if that action is precipitated in whole or in part by noncompliance with equal opportunity contract requirements.

§ 230.407 Definitions.

For the purpose of this subpart, the following definitions shall apply, unless the context requires otherwise:

- (a) *Actions*, identified by letter and number, shall refer to those items identified in the process flow chart. (Appendix D);
- (b) *Affirmative Action Plan* means a written positive management tool of a total equal opportunity program indicating the action steps for all organizational levels of a contractor to initiate and measure equal opportunity program progress and effectiveness. (The Special Provisions [23 CFR part 230 A, Appendix A] and areawide plans are Affirmative Action Plans.);
- (c) *Affirmative Actions* means the efforts exerted towards achieving equal opportunity through positive, aggressive, and continuous result-oriented measures to correct past and present discriminatory practices and their effects on the conditions and privileges of employment. These measures include, but are not limited to, recruitment, hiring, promotion, upgrading, demotion, transfer, termination, compensation, and training;
- (d) *Areawide Plan* means an Affirmative Action Plan approved by the Department of Labor to increase minority and female utilization in crafts of the construction industry in a specified geographical area pursuant to E.O. 11246, as amended, and taking the form of either a "Hometown" or an "Imposed" Plan.
 - (1) *Hometown Plan* means a voluntary areawide agreement usually developed by representatives of labor unions, minority organizations, and contractors, and approved by the OFCCP for the purpose of implementing the equal employment opportunity requirements pursuant to E.O. 11246, as amended;
 - (2) *Imposed Plan* means mandatory affirmative action requirements for a specified geographical area issued by OFCCP and, in some areas, by the courts;
- (e) *Compliance Specialist* means a Federal or State employee regularly employed and experienced in civil rights policies, practices, procedures, and equal opportunity compliance review and evaluation functions;
- (f) *Consolidated Compliance Review* means a review and evaluation of all significant construction employment in a specific geographical (target) area;
- (g) *Construction* shall have the meanings set forth in 41 CFR 60–1.3(e) and 23 U.S.C. 101(a). References in both definitions to expenses or functions incidental to construction shall include preliminary engineering work in project development or engineering services performed by or for a SHA;
- (h) *Corrective Action Plan* means a contractor's unequivocal written and signed commitment outlining actions taken or proposed, with time limits and goals, where appropriate to correct, compensate for, and remedy each violation of the equal opportunity requirements as specified in a list of deficiencies. (Sometimes called a conciliation agreement or a letter of commitment.);
- (i) *Contractor* means, any person, corporation, partnership, or unincorporated association that holds a FHWA direct or federally assisted construction contract or subcontract regardless of tier;
- (j) *Days* shall mean calendar days;
- (k) *Discrimination* means a distinction in treatment based on race, color, religion, sex, or national origin;
- (l) *Equal Employment Opportunity* means the absence of partiality or distinction in employment treatment, so that the right of all persons to work and advance on the basis of merit, ability, and potential is maintained;

- (m) *Equal Opportunity Compliance Review* means an evaluation and determination of a nonexempt direct Federal or Federal-aid contractor's or subcontractor's compliance with equal opportunity requirements based on:
 - (1) Project work force—employees at the physical location of the construction activity;
 - (2) Area work force—employees at all Federal-aid, Federal, and non-Federal projects in a specific geographical area as determined under § 230.409 (b)(9); or
 - (3) Home office work force—employees at the physical location of the corporate, company, or other ownership headquarters or regional managerial, offices, including “white collar” personnel (managers, professionals, technicians, and clericals) and any maintenance or service personnel connected thereto;
- (n) *Equal Opportunity Requirements* is a general term used throughout this document to mean all contract provisions relative to equal employment opportunity (EEO), subcontracting, and training;
- (o) *Good Faith Effort* means affirmative action measures designed to implement the established objectives of an Affirmative Action Plan;
- (p) *Show Cause Notice* means a written notification to a contractor based on the determination of the reviewer (or in appropriate cases by higher level authority) to be in noncompliance with the equal opportunity requirements. The notice informs the contractor of the specific basis for the determination and provides the opportunity, within 30 days from receipt, to present an explanation why sanctions should not be imposed;
- (q) *State highway agency* (SHA) means that department, commission, board, or official of any State charged by its laws with the responsibility for highway construction. The term *State* should be considered equivalent to *State highway agency*. With regard to direct Federal contracts, references herein to SHA's shall be considered to refer to FHWA regional offices, as appropriate.

§ 230.409 Contract compliance review procedures.

- (a) *General.* A compliance review consists of the following elements:
 - (1) Review Scheduling (Actions R-1 and R-2).
 - (2) Contractor Notification (Action R-3).
 - (3) Preliminary Analysis (Phase I) (Action R-4).
 - (4) Onsite Verification and Interviews (Phase II) (Action R-5).
 - (5) Exit Conference (Action R-6).
 - (6) Compliance Determination and Formal Notification (Actions R-8, R-9, R-10, R-11, R-12).

The compliance review procedure, as described herein and in Appendix D provides for continual monitoring of the employment process. Monitoring officials at all levels shall analyze submissions from field offices to ensure proper completion of procedural requirements and to ascertain the effectiveness of program implementation.
- (b) *Review scheduling.* (Actions R-1 and R-2). Because construction work forces are not constant, particular attention should be paid to the proper scheduling of equal opportunity compliance reviews. Priority in scheduling equal opportunity compliance reviews shall be given to reviewing those contractor's work forces:
 - (1) Which hold the greatest potential for employment and promotion of minorities and women (particularly in higher skilled crafts or occupations);
 - (2) Working in areas which have significant minority and female labor forces within a reasonable recruitment area;
 - (3) Working on projects that include special training provisions; and
 - (4) Where compliance with equal opportunity requirements is questionable. (Based on previous PR-1391's (23 CFR part 230, subpart A, Appendix C) Review Reports and Hometown Plan Reports). In addition, the following considerations shall apply:
 - (5) Reviews specifically requested by the Washington Headquarters shall receive priority scheduling;

- (6) Compliance Reviews in geographical areas covered by areawide plans would normally be reviewed under the Consolidated Compliance Review Procedures set forth in § 230.415.
- (7) Reviews shall be conducted prior to or during peak employment periods.
- (8) No compliance review shall be conducted that is based on a home office work force of less than 15 employees unless requested or approved by Washington Headquarters; and
- (9) For compliance reviews based on an area work force (outside of areawide plan coverage), the Compliance Specialist shall define the applicable geographical area by considering:
 - (i) Union geographical boundaries;
 - (ii) The geographical area from which the contractor recruits employees, *i.e.*, reasonable recruitment area;
 - (iii) Standard Metropolitan Statistical Area (SMSA) or census tracts; and
 - (iv) The county in which the Federal or Federal-aid project(s) is located and adjacent counties.

(c) *Contractor notification (Action R-3).*

- (1) The Compliance Specialist should usually provide written notification to the contractor of the pending compliance review at least 2 weeks prior to the onsite verification and interviews. This notification shall include the scheduled date(s), an outline of the mechanics and basis of the review, requisite interviews, and documents required.
- (2) The contractor shall be requested to provide a meeting place on the day of the visit either at the local office of the contractor or at the jobsite.
- (3) The contractor shall be requested to supply all of the following information to the Compliance Specialist prior to the onsite verification and interviews.
 - (i) Current Form PR-1391 developed from the most recent payroll;
 - (ii) Copies of all current bargaining agreements;
 - (iii) Copies of purchase orders and subcontracts containing the EEO clause;
 - (iv) A list of recruitment sources available and utilized;
 - (v) A statement of the status of any action pertaining to employment practices taken by the Equal Employment Opportunity Commission (EEOC) or other Federal, State, or local agency regarding the contractor or any source of employees;
 - (vi) A list of promotions made during the past 6 months, to include race, national origin, and sex of employee, previous job held, job promoted into; and corresponding wage rates;
 - (vii) An annotated payroll to show job classification, race, national origin and sex;
 - (viii) A list of minority- or female-owned companies contacted as possible subcontractors, vendors, material suppliers, etc.; and
 - (ix) Any other necessary documents or statements requested by the Compliance Specialist for review prior to the actual onsite visit.
- (4) For a project review, the prime contractor shall be held responsible for ensuring that all active subcontractors are present at the meeting and have supplied the documentation listed in § 230.409(c)(3).

(d) *Preliminary analysis (Phase I) (Action R-4).* Before the onsite verification and interviews, the Compliance Specialist shall analyze the employment patterns, policies, practices, and programs of the contractor to determine whether or not problems exist by reviewing information relative to:

- (1) The contractor's current work force;
- (2) The contractor's relationship with referral sources, e.g., unions, employment agencies, community action agencies, minority and female organizations, etc.;
- (3) The minority and female representation of sources;
- (4) The availability of minorities and females with requisite skills in a reasonable recruitment area;
- (5) Any pending EEOC or Department of Justice cases or local or State Fair Employment Agency cases which are relevant to the contractor and/or the referral sources; and

- (6) The related projects (and/or contractor) files of FHWA regional or division and State Coordinator's offices to obtain current information relating to the status of the contractor's project(s), value, scheduled duration, written corrective action plans, PR-1391 or Manpower Utilization Reports, training requirements, previous compliance reviews, and other pertinent correspondence and/or reports.

(e) *Onsite verification and interviews (Phase II) (Action R-5).*

- (1) Phase II of the review consists of the construction or home office site visit(s). During the initial meeting with the contractor, the following topics shall be discussed:
 - (i) Objectives of the visit;
 - (ii) The material submitted by the contractor, including the actual implementation of the employee referral source system and any discrepancies found in the material; and
 - (iii) Arrangements for the site tour(s) and employee interviews.
- (2) The Compliance Specialist shall make a physical tour of the employment site(s) to determine that:
 - (i) EEO posters are displayed in conspicuous places in a legible fashion;
 - (ii) Facilities are provided on a non-segregated basis (e.g. work areas, washroom, time-clocks, locker rooms, storage areas, parking lots, and drinking fountains);
 - (iii) Supervisory personnel have been oriented to the contractor's EEO commitments;
 - (iv) The employee referral source system is being implemented;
 - (v) Reported employment data is accurate;
 - (vi) Meetings have been held with employees to discuss EEO policy, particularly new employees; and
 - (vii) Employees are aware of their right to file complaints of discrimination.
- (3) The Compliance Specialist should interview at least one minority, one non-minority, and one woman in each trade, classification, or occupation. The contractor's superintendent or home office manager should also be interviewed.
- (4) The Compliance Specialist shall, on a sample basis, determine the union membership status of union employees on the site (e.g. whether they have permits, membership cards, or books, and in what category they are classified [e.g., A, B, or C]).
- (5) The Compliance Specialist shall also determine the method utilized to place employees on the job and whether equal opportunity requirements have been followed.
- (6) The Compliance Specialist shall determine, and the report shall indicate the following:
 - (i) Is there reasonable representation and utilization of minorities and women in each craft, classification or occupation? If not, what has the contractor done to increase recruitment, hiring, upgrading, and training of minorities and women?
 - (ii) What action is the contractor taking to meet the contractual requirement to provide equal employment opportunity?
 - (iii) Are the actions taken by the contractor acceptable? Could they reasonably be expected to result in increased utilization of minorities and women?
 - (iv) Is there impartiality in treatment of minorities and women?
 - (v) Are affirmative action measures of an isolated nature or are they continuing?
 - (vi) Have the contractor's efforts produced results?

(f) *Exit conference (Action R-6).*

- (1) During the exit conference with the contractor, the following topics shall be discussed:
 - (i) Any preliminary findings that, if not corrected immediately or not corrected by the adoption of an acceptable voluntary corrective action plan, would necessitate a determination of non-compliance;
 - (ii) The process and time in which the contractor shall be informed of the final determination (15 days following the onsite verification and interviews); and
 - (iii) Any other matters that would best be resolved before concluding the onsite portion of the review.

- (2) Voluntary corrective action plans may be negotiated at the exit conference, so that within 15 days following the exit portion of the review, the Compliance Specialist shall prepare the review report and make a determination of either:
 - (i) Compliance, and so notify the contractor; or
 - (ii) Noncompliance, and issue a 30-day show cause notice. The acceptance of a voluntary corrective action plan at the exit conference does not preclude a determination of noncompliance, particularly if deficiencies not addressed by the plan are uncovered during the final analysis and report writing. (Action R-7) A voluntary corrective action plan should be accepted with the understanding that it only address those problems uncovered prior to the exit conference.

(g) *Compliance determinations (Action R-8).*

- (1) The evidence obtained at the compliance review shall constitute a sufficient basis for an objective determination by the Compliance Specialist conducting the review of the contractor's compliance or noncompliance with contractual provisions pursuant to E.O. 11246, as amended, and FHWA EEO Special Provisions implementing the Federal-Aid Highway Act of 1968, where applicable.
- (2) Compliance determinations on contractors working in a Hometown Plan Area shall reflect the status of those crafts covered by part II of the plan bid conditions. Findings regarding part I crafts shall be transmitted through channels to the Washington Headquarters, Office of Civil Rights.
- (3) The compliance status of the contractor will usually be reflected by positive efforts in the following areas:
 - (i) The contractor's equal employment opportunity (EEO) policy;
 - (ii) Dissemination of the policy and education of supervisory employees concerning their responsibilities in implementing the EEO policy;
 - (iii) The authority and responsibilities of the EEO officer;
 - (iv) The contractor's recruitment activities, especially establishing minority and female recruitment and referral procedures;
 - (v) The extent of participation and minority and female utilization in FHWA training programs;
 - (vi) The contractor's review of personnel actions to ensure equal opportunities;
 - (vii) The contractor's participation in apprenticeship or other training;
 - (viii) The contractor's relationship (if any) with unions and minority and female union membership;
 - (ix) Effective measures to assure non-segregated facilities, as required by contract provisions;
 - (x) The contractor's procedures for monitoring subcontractors and utilization of minority and female subcontractors and/or subcontractors with substantial minority and female employment; and
 - (xi) The adequacy of the contractor's records and reports.
- (4) A contractor shall be considered to be in compliance (Action R-9) when the equal opportunity requirements have been effectively implemented, or there is evidence that every good faith effort has been made toward achieving this end. Efforts to achieve this goal shall be result-oriented, initiated and maintained in good faith, and emphasized as any other vital management function.
- (5) A contractor shall be considered to be in noncompliance (Action R-10) when:
 - (i) The contractor has discriminated against applicants or employees with respect to the conditions or privileges of employment; or
 - (ii) The contractor fails to provide evidence of every good faith effort to provide equal opportunity.

(h) *Show cause procedures—*

- (1) *General.*

Once the onsite verification and exit conference (Action R-5) have been completed and a compliance determination made, (Action R-8), the contractor shall be notified in writing of the compliance determination. (Action R-11 or R-12) This written notification shall be sent to the contractor within 15 days following the completion of the onsite verification and exit conference. If a contractor is found in noncompliance (Action R-10), action efforts to bring the contractor into compliance shall be initiated through the issuance of a show cause notice (Action R-12). The notice shall advise the contractor to show cause within 30 days why sanctions should not be imposed.

- (2) *When a show cause notice is required.*
 A show cause notice shall be issued when a determination of noncompliance is made based upon:
- (i) The findings of a compliance review;
 - (ii) The results of an investigation which verifies the existence of discrimination; or
 - (iii) Areawide plan reports that show an underutilization of minorities (based on criteria of U.S. Department of Labor's Optional Form 66 "Manpower Utilization Report") throughout the contractor's work force covered by part II of the plan bid conditions.
- (3) *Responsibility for issuance.*
- (i) Show cause notices will normally be issued by SHA's to federally assisted contractors when the State has made a determination of noncompliance, or when FHWA has made such a determination and has requested the State to issue the notice.
 - (ii) When circumstances warrant, the Regional Federal Highway Administrator or a designee may exercise primary compliance responsibility by issuing the notice directly to the contractor.
 - (iii) The Regional Federal Highway Administrators in Regions 8, 10, and the Regional Engineer in Region 15, shall issue show cause notices to direct Federal contractors found in noncompliance.
- (4) *Content of show cause notice.* The show cause notice must: (See sample—Appendix A of this subpart)
- (i) Notify the contractor of the determination of noncompliance;
 - (ii) Provide the basis for the determination of noncompliance;
 - (iii) Notify the contractor of the obligation to show cause within 30 days why formal proceedings should not be instituted;
 - (iv) Schedule (date, time, and place) a compliance conference to be held approximately 15 days from the contractor's receipt of the notice;
 - (v) Advise the contractor that the conference will be held to receive and discuss the acceptability of any proposed corrective action plan and/or correction of deficiencies; and
 - (vi) Advise the contractor of the availability and willingness of the Compliance Specialist to conciliate within the time limits of the show cause notice.
- (5) *Preparing and processing the show cause notice.*
- (i) The State or FHWA official who conducted the investigation or review shall develop complete background data for the issuance of the show cause notice and submit the recommendation to the head of the SHA or the Regional Federal Highway Administrator, as appropriate.
 - (ii) The recommendation, background data, and final draft notice shall be reviewed by appropriate State or FHWA legal counsel.
 - (iii) Show cause notices issued by the SHA shall be issued by the head of that agency or a designee.
 - (iv) The notice shall be personally served to the contractor or delivered by certified mail, return receipt requested, with a certificate of service or the return receipt filed with the case record.
 - (v) The date of the contractor's receipt of the show cause notice shall begin the 30-day show cause period. (Action R-13).
 - (vi) The 30-day show cause notice shall be issued directly to the non-compliant contractor or subcontractor with an informational copy sent to any concerned prime contractors.
- (6) *Conciliation efforts during show cause period.*
- (i) The Compliance Specialist is required to attempt conciliation with the contractor throughout the show cause time period. Conciliation and negotiation efforts shall be directed toward correcting contractor program deficiencies and initiating corrective action which will maintain and assure equal opportunity. Records shall be maintained in the State, FHWA division, or FHWA regional office's case files, as appropriate, indicating actions and reactions of the contractor, a brief synopsis of any meetings with the contractor, notes on verbal communication and written correspondence, requests for assistance or interpretations, and other relevant matters.
 - (ii) In instances where a contractor is determined to be in compliance after a show cause notice has been issued, the show cause notice will be rescinded and the contractor formally notified (Action R-17). The FHWA Washington Headquarters, Office of Civil Rights, shall immediately be notified of any change in status.

(7) *Corrective action plans.*

(i) When a contractor is required to show cause and the deficiencies cannot be corrected within the 30-day show cause period, a written corrective action plan may be accepted. The written corrective action plan shall specify clear unequivocal action by the contractor with time limits for completion. Token actions to correct cited deficiencies will not be accepted. (See Sample Corrective Action Plan—Appendix B of this subpart)

(ii) When a contractor submits an acceptable written corrective action plan, the contractor shall be considered in compliance during the plan's effective implementation and submission of required progress reports. (Action R-15 and R-17).

(iii) When an acceptable corrective action plan is not agreed upon and the contractor does not otherwise show cause as required, the formal hearing process shall be recommended through appropriate channels by the compliance specialist immediately upon expiration of the 30-day show cause period. (Action R-16, R-18, R-19)

(iv) When a contractor, after having submitted an acceptable corrective action plan and being determined in compliance is subsequently determined to be in noncompliance based upon the contractor's failure to implement the corrective action plan, the formal hearing process must be recommended immediately. There are no provisions for reinstating a show cause notice.

(v) When, however, a contractor operating under an acceptable corrective action plan carries out the provisions of the corrective action plan but the actions do not result in the necessary changes, the corrective action plan shall be immediately amended through negotiations. If, at this point, the contractor refuses to appropriately amend the corrective action plan, the formal hearing process shall be recommended immediately.

(vi) A contractor operating under an approved voluntary corrective action plan (*i.e.*, plan entered into prior to the issuance of a show cause) must be issued a 30-day show cause notice in the situations referred to in paragraphs (h) (7) (iv) and (v) of this Section, *i.e.*, failure to implement an approved corrective action plan or failure of corrective actions to result in necessary changes.

(i) *Follow-up reviews.*

(1) A follow-up review is an extension of the initial review process to verify the contractors performance of corrective action and to validate progress report information. Therefore, follow-up reviews shall only be conducted of those contractors where the initial review resulted in a finding of noncompliance and a show cause notice was issued.

(2) Follow-up reviews shall be reported as a narrative summary referencing the initial review report.

(j) *Hearing process.*

(1) When such procedures as show cause issuance and conciliation conferences have been unsuccessful in bringing contractors into compliance within the prescribed 30 days, the reviewer (or other appropriate level) shall immediately recommend, through channels, that the Department of Transportation obtain approval from the Office of Federal Contract Compliance Programs for a formal hearing (Action R-19). The Contractor should be notified of this action.

(2) Recommendations to the Federal Highway Administrator for hearing approval shall be accompanied by full reports of findings and case files containing any related correspondence. The following items shall be included with the recommendation:

(i) Copies of all Federal and Federal-aid contracts and/or subcontracts to which the contractor is party;

(ii) Copies of any contractor or subcontractor certifications;

(iii) Copy of show cause notice;

(iv) Copies of any corrective action plans; and

(v) Copies of all pertinent Manpower Utilization Reports, if applicable.

(3) SHA's through FHWA regional and division offices, will be advised of decisions and directions affecting contractors by the FHWA Washington Headquarters, Office of Civil Rights, for the Department of Transportation.

- (k) *Responsibility determinations.*
 - (1) In instances where requests for formal hearings are pending OFCCP approval, the contractor may be declared a non-responsible contractor for inability to comply with the equal opportunity requirements.
 - (2) SHA's shall refrain from entering into any contract or contract modification subject to E.O. 11246, as amended, with a contractor who has not demonstrated eligibility for Government contracts and federally assisted construction contracts pursuant to E.O. 11246, as amended.

§ 230.411 Guidance for conducting reviews.

- (a) *Extensions of time.*

Reasonable extensions of time limits set forth in these instructions may be authorized by the SHA's or the FHWA regional office, as appropriate. However, all extensions are subject to Washington Headquarters approval and should only be granted with this understanding. The Federal Highway Administrator shall be notified of all time extensions granted and the justification therefore. In sensitive or special interest cases, simultaneous transmittal of reports and other pertinent documents is authorized.
- (b) *Contract completion.*

Completion of a contract or seasonal shutdown shall not preclude completion of the administrative procedures outlined herein or the possible imposition of sanctions or debarment.
- (c) *Home office reviews outside regions.*

When contractor's home offices are located outside the FHWA region in which the particular contract is being performed, and it is determined that the contractors' home offices should be reviewed, requests for such reviews with accompanying justification shall be forwarded through appropriate channels to the Washington Headquarters, Office of Civil Rights. After approval, the Washington Headquarters, Office of Civil Rights, (OCR) shall request the appropriate region to conduct the home office review.
- (d) *Employment of women.* Executive Order 11246, as amended, implementing rules and regulations regarding sex discrimination are outlined in 41 CFR part 60-20. It is the responsibility of the Compliance Specialist to ensure that contractors provide women full participation in their work forces.
- (e) *Effect of exclusive referral agreements.*
 - (1) The OFCCP has established the following criteria for determining compliance when an exclusive referral agreement is involved;
 - (i) It shall be no excuse that the union, with which the contractor has a collective bargaining agreement providing for exclusive referral, failed to refer minority or female employees.
 - (ii) Discrimination in referral for employment, even if pursuant to provisions of a collective bargaining agreement, is prohibited by the National Labor Relations Act and Title VII of the Civil Rights Act of 1964, as amended.
 - (iii) Contractors and subcontractors have a responsibility to provide equal opportunity if they want to participate in federally involved contracts. To the extent they have delegated the responsibility for some of their employment practices to some other organization or agency which prevents them from meeting their obligations, these contractors must be found in noncompliance.
 - (2) If the contractor indicates that union action or inaction is a proximate cause of the contractor's failure to provide equal opportunity, a finding of noncompliance will be made and a show cause notice issued, and:
 - (i) The contractor will be formally directed to comply with the equal opportunity requirements.
 - (ii) Reviews of other contractors with projects within the jurisdiction of the applicable union locals shall be scheduled.
 - (iii) If the reviews indicate a pattern and/or practice of discrimination on the part of specific union locals, each contractor in the area shall be informed of the criteria outlined in § 230.411(e)(1) of this Section. Furthermore, the FHWA Washington Headquarters, OCR, shall be provided with full documentary evidence to support the discriminatory pattern indicated.

(iv) In the event the union referral practices prevent the contractor from meeting the equal opportunity requirements pursuant to the E.O. 11246, as amended, such contractor shall immediately notify the SHA.

§ 230.413 Review reports.

(a) *General.*

- (1) The Compliance Specialist shall maintain detailed notes from the beginning of the review from which a comprehensive compliance review report can be developed.
- (2) The completed compliance review report shall contain documentary evidence to support the determination of a contractor's or subcontractor's compliance status.
- (3) Findings, conclusions, and recommendations shall be explicitly stated and, when necessary, supported by documentary evidence.
- (4) The compliance review report shall contain at least the following information.¹ (Action R-20)
 - (i) Complete name and address of contractor.
 - (ii) Project(s) identification.
 - (iii) Basis for the review, *i.e.*, area work force, project work force, home office work force, and target area work force.
 - (iv) Identification of Federal or Federal-aid contract(s).
 - (v) Date of review.
 - (vi) Employment data by job craft, classification, or occupation by race and sex in accordance with (iii) above. This shall be the data verified during the onsite.
 - (vii) Identification of local unions involved with contractor, when applicable.
 - (viii) Determination of compliance status: compliance or noncompliance.
 - (ix) Copy of show cause notice or compliance notification sent to contractor.
 - (x) Name of the Compliance Specialist who conducted the review and whether that person is a State, division or regional Compliance Specialist.
 - (xi) Concurrences at appropriate levels.
- (5) Each contractor (joint venture is one contractor) will be reported separately. When a project review is conducted, the reports should be attached, with the initial report being that of the prime contractor followed by the reports of each subcontractor.
- (6) Each review level is responsible for ensuring that required information is contained in the report.
- (7) When a project review is conducted, the project work force shall be reported. When an areawide review is conducted (all Federal-aid, Federal, and non-Federal projects in an area), then areawide work force shall be reported. When a home office review is conducted, only home office work force shall be reported. Other information required by regional offices shall be detached before forwarding the reports to the Washington Headquarters, OCR.
- (8) The Washington Headquarters, OCR, shall be provided all of the following:
 - (i) The compliance review report required by § 230.413(a)(4).
 - (ii) Corrective action plans.
 - (iii) Show cause notices or compliance notifications.
 - (iv) Show cause rescissions.

While other data and information should be kept by regional offices (including progress reports, correspondence, and similar review backup material), it should not be routinely forwarded to the Washington Headquarters, OCR.

(b) *Administrative requirements—*

- (1) *State conducted reviews.*
 - (i) Within 15 days from the completion of the onsite verification and exit conference, the State Compliance Specialist will:

¹ The Federal Highway Administration will accept completed Form FHWA-86 for the purpose. The form is available at the offices listed in 49 CFR part 7, Appendix D.

- (A) Prepare the compliance review report, based on information obtained;
 - (B) Determine the contractor's compliance status;
 - (C) Notify the contractor of the compliance determination, *i.e.*, send the contractor either notification of compliance or show cause notice; and
 - (D) Forward three copies of the compliance review report, and the compliance notification or show cause notice to the FHWA division EEO Specialist.
- (ii) Within 10 days of receipt, the FHWA division EEO Specialist shall:
 - (A) Analyze the State's report, ensure that it is complete and accurate;
 - (B) Resolve nonconcurrency, if any;
 - (C) Indicate concurrence, and, where appropriate, prepare comments; and
 - (D) Forward two copies of the compliance review report, and the compliance notification or show cause notice to the Regional Civil Rights Director.
 - (iii) Within 15 days of receipt, the FHWA Regional Civil Rights Director shall:
 - (A) Analyze the report, ensure that it is complete and accurate;
 - (B) Resolve nonconcurrency, if any;
 - (C) Indicate concurrence, and, where appropriate, prepare comments; and
 - (D) Forward one copy of the compliance review report, and the compliance notification or show cause notice to the Washington Headquarters, OCR.
- (2) *FHWA division conducted reviews.*
- (i) Within 15 days from the completion of the onsite verification and exit conference, the division EEO Specialist shall:
 - (A) Prepare compliance review report, based on information obtained;
 - (B) Determine the contractor's compliance status;
 - (C) Notify the State to send the contractor the compliance determination, *i.e.*, either notification of compliance or show cause notice; and
 - (D) Forward two copies of the compliance review report and the compliance notification or show cause notice to the Regional Civil Rights Director.
 - (ii) Within 15 days of receipt, the FHWA Regional Civil Rights Director will take the steps outlined in § 230.413(b)(1)(iii).
- (3) *FHWA region conducted reviews.*
- (i) Within 15 days from the completion of the onsite verification and exit conference the regional EEO Specialist shall:
 - (A) Prepare the compliance review report, based on information obtained;
 - (B) Determine the contractor's compliance status;
 - (C) Inform the appropriate division to notify the State to send the the compliance determination *i.e.*, either notification of compliance or show cause notice; and
 - (D) Forward one copy of the compliance review report, and the compliance notification or show cause notice to the Washington Headquarters, OCR.
- (4) Upon receipt of compliance review reports, the Washington Headquarters, OCR, shall review, resolve any non-concurrences, and record them for the purpose of:
- (i) Providing ongoing technical assistance to FHWA regional and division offices and SHA's;
 - (ii) Gathering a sufficient data base for program evaluation;
 - (iii) Ensuring uniform standards are being applied in the compliance review process;
 - (iv) Initiating appropriate changes in FHWA policy and implementing regulations; and
 - (v) Responding to requests from the General Accounting Office, Office of Management and Budget, Senate Subcommittee on Public Roads, and other agencies and organizations.

§ 230.415 Consolidated compliance reviews.

- (a) *General.* Consolidated compliance reviews shall be implemented to determine employment opportunities on an areawide rather than an individual project basis. The consolidated compliance review approach shall be adopted and directed by either Headquarters, region, division, or SHA, However, consolidated reviews shall at all times remain a cooperative effort.
- (b) OFCCP policy requires contracting agencies to ensure compliance, in hometown an imposed plan areas, on an areawide rather than a project basis. The consolidated compliance review approach facilitates implementation of this policy.
- (c) *Methodology—*
 - (1) *Selection of a target area.* In identifying the target area of a consolidated compliance review (e.g. SMSA, hometown or imposed plan area, a multi-county area, or an entire State), consideration shall at least be given to the following facts:
 - (i) Minority and female work force concentrations;
 - (ii) Suspected or alleged discrimination in union membership or referral practices by local unions involved in highway construction;
 - (iii) Present or potential problem areas;
 - (iv) The number of highway projects in the target area; and
 - (v) Hometown or imposed plan reports that indicate underutilization of minorities or females.
 - (2) *Determine the review period.* After the target area has been selected, the dates for the actual onsite reviews shall be established.
 - (3) *Obtain background information.* EEO-3's Local Union Reports, should be obtained from regional offices of the EEOC. Target area civilian labor force statistics providing percent minorities and percent females in the target area shall be obtained from State employment security agencies or similar State agencies.
 - (4) *Identify contractors.* Every non-exempt federally assisted or direct Federal contractor and subcontractor in the target area shall be identified. In order to establish areawide employment patterns in the target area, employment data is needed for all contractors and subcontractors in the area. However, only those contractors with significant work forces (working prior to peak and not recently reviewed) may need to be actually reviewed onsite. Accordingly, once all contractors are identified, those contractors which will actually be reviewed onsite shall be determined. Compliance determinations shall only reflect the status of crafts covered by part II of plan bid conditions. Employment data of crafts covered by part I of plan bid conditions shall be gathered and identified as such in the composite report, however, OFCCP has reserved the responsibility for compliance determinations on crafts covered by part I of the plan bid conditions.
 - (5) *Contractor notification.* Those contractors selected for onsite review shall be sent a notification letter as outlined in § 230.409(c) along with a request for current workforce data ² for completion and submission at the onsite review. Those contractors in the target area not selected for onsite review shall also be requested to supply current workforce data as of the onsite review period, and shall return the data within 15 days following the onsite review period.
 - (6) *Onsite reviews.* Compliance reviews shall then be conducted in accordance with the requirements set forth in §230.409. Reviewers may use Form FHWA-86, Compliance Data Report, if appropriate. It is of particular importance during the onsite reviews that the review team provide for adequate coordination of activities at every stage of the review process.

² The Consolidated Workforce Questionnaire is convenient for the purpose and appears as attachment 4 to volume 2, Chapter 2, Section 3 of the Federal-Aid Highway Program Manual, which is available at the offices listed in 49 CFR part 7, Appendix D.

- (7) *Compliance determinations.* Upon completion of the consolidated reviews, compliance determinations shall be made on each review by the reviewer. Individual show cause notices or compliance notifications shall be sent (as appropriate) to each reviewed contractor. The compliance determination shall be based on the contractor's target area work force (Federal, Federal-aid and non-Federal), except when the target area is coincidental with hometown plan area, compliance determinations must not be based on that part of a contractor's work force covered by part I of the plan bid conditions, as previously set forth in this regulation. For example: ABC Contracting, Inc. employs carpenters, operating engineers, and cement masons. Carpenters and operating engineers are covered by part II of the plan bid Conditions, however, cement masons are covered by part I of the plan bid conditions. The compliance determination must be based only on the contractor's utilization of carpenters and operating engineers.

(d) *Reporting—*

- (1) *Composite report.* A final composite report shall be submitted as a complete package to the Washington Headquarters, OCR, within 45 days after the review period and shall consist of the following:
- (i) Compliance review report, for each contractor and subcontractor with accompanying show cause notice or compliance notification.
 - (ii) Work force data to show the aggregate employment of all contractors in the target area.
 - (iii) A narrative summary of findings and recommendations to include the following:
 - (A) A summary of highway construction employment in the target area by craft, race, and sex. This summary should explore possible patterns of discrimination or underutilization and possible causes, and should compare the utilization of minorities and females on contractor's work forces to the civilian labor force percent for minorities and females in the target area.
 - (B) If the target area is a plan area, a narrative summary of the plan's effectiveness with an identification of part I and part II crafts. This summary shall discuss possible differences in minority and female utilization between part I and part II crafts, documenting any inferences drawn from such comparisons.
 - (C) If applicable, discuss local labor unions' membership and/or referral practices that impact on the utilization of minorities and females in the target area. Complete and current copies of all collective bargaining agreements and copies of EEO-3, Local Union Reports, for all appropriate unions shall accompany the composite report.
 - (D) Any other appropriate data, analyses, or information deemed necessary for a complete picture of the areawide employment.
 - (E) Considering the information compiled from the summaries listed above, make concrete recommendations on possible avenues for correcting problems uncovered by the analyses.
- (2) *Annual planning report.* The proper execution of consolidated compliance reviews necessitates scheduling, along with other fiscal program planning. The Washington Headquarters, OCR, shall be notified of all planned consolidated reviews by August 10 of each year and of any changes in the target area or review periods, as they become known. The annual consolidated planning report shall indicate:
- (i) Selected target areas;
 - (ii) The basis for selection of each area; and
- The anticipated review period (dates) for each target area.

APPENDIX A TO SUBPART D OF PART 230—SAMPLE SHOW CAUSE NOTICE

Certified Mail, Return Receipt Requested
Date
Contractor's Name
Address
City, State, and Zip Code.

DEAR CONTRACTOR:

As a result of the review of your (Project Number) project located at (Project Location) conducted on (Date) by (Reviewing Agency), it is our determination that you are not in compliance with your equal opportunity requirements and that good faith efforts have not been made to meet your equal opportunity requirements in the following areas:

List of Deficiencies

- 1.
- 2.
- 3.

Your failure to take the contractually required affirmative action has contributed to the unacceptable level of minority and female employment in your operations, particularly in the semiskilled and skilled Categories of employees.

The Department of Labor regulations (41 CFR 60) implementing Executive Order 11246, as amended, are applicable to your Federal-aid highway construction contract and are controlling in this matter (See Required Contract Provisions, Form PR-1273, Clause II). Section 60-1.20(b) of these regulations provides that when equal opportunity deficiencies exist, it is necessary that you make a commitment in writing to correct such deficiencies before you may be found in compliance. The commitment must include the specific action which you propose to take to correct each deficiency and the date of completion of such action. The time period allotted shall be no longer than the minimum period necessary to effect the necessary correction. In accordance with instructions issued by the Office of Federal Contract Compliance Programs (OFCCP), U.S. Department of Labor, your written commitment must also provide for the submission of monthly progress reports which shall include a head count of minority and female representation at each level of each trade and a list of minority employees.

You are specifically advised that making the commitment discussed above will not preclude a further determination of noncompliance upon a finding that the commitment is not sufficient to achieve compliance.

We will hold a compliance conference at (Address) at(Time) on (Date) for you to submit and discuss your written commitment. If your written commitment is acceptable and if the commitment is sufficient to achieve compliance, you will be found in compliance during the effective implementation of that commitment. You are cautioned, however, that our determination is subject to review by the Federal Highway Administration, the Department of Transportation, and OFCCP and may be disapproved if your written commitment is not considered sufficient to achieve compliance.

If you indicate either directly or by inaction that you do not wish to participate in the scheduled conference and do not otherwise show cause within 30 days from receipt of this notice why enforcement proceedings should not be instituted, this agency will commence enforcement proceedings under Executive Order 11246, as amended.

If your written commitment is accepted and it is subsequently found that you have failed to comply with its provisions, you will be advised of this determination and formal sanction proceedings will be instituted immediately. In the event formal sanction proceedings are instituted and the final determination is that a violation of your equal opportunity contract requirements has taken place, any Federal-aid highway construction contracts or subcontracts which you hold may be canceled, terminated, or suspended, and you may be debarred from further such contracts or subcontracts. Such other sanctions as are authorized by Executive Order 11246, as amended, may also be imposed.

We encourage you to take whatever action is necessary to resolve this matter and are anxious to assist you in achieving compliance. Any questions concerning this notice should be addressed to (Name, Address, and Phone).

Sincerely yours,
[41 FR 34245, Aug. 13, 1976]

APPENDIX B TO SUBPART D OF PART 230—SAMPLE CORRECTIVE ACTION PLAN

Deficiency 1: Sources likely to yield minority employees have not been contacted for recruitment purposes.

Commitment: We have developed a system of written job applications at our home office, which readily identifies minority applicants. In addition to this, as a minimum, we will contact the National Association for the Advancement of Colored People (NAACP), League of Latin American Citizens (LULAC), Urban League, and the Employment Security Office within 20 days to establish a referral system for minority group applicants and expand our recruitment base. We are in the process of identifying other community organizations and associations that may be able to provide minority applicants and will submit an updated listing of recruitment sources and evidence of contact by.....(Date).

Deficiency 2: There have been inadequate efforts to locate, qualify, and increase skills of minority and female employees and applicants for employment.

Commitment: We will set up an individual file for each apprentice or trainee by(Date) in order to carefully screen the progress, ensure that they are receiving the necessary training, and being promoted promptly upon completion of training requirements. We have established a goal of at least 50 percent of our apprentices and trainees will be minorities and 15 percent will be female. In addition to the commitment made to deficiency number 1, we will conduct a similar identification of organizations able to supply female applicants. Based on our projected personnel needs, we expect to have reached our 50 percent goal for apprentices and trainees by(Date).

Deficiency 3: Very little effort to assure subcontractors have meaningful minority group representation among their employees.

Commitment: In cooperation with the Regional Office of Minority Business Enterprise, Department of Commerce, and the local NAACP, we have identified seven minority-owned contractors that may be able to work on future contracts we may receive. These contractors (identified in the attached list) will be contacted prior to our bidding on all future contracts. In addition, we have scheduled a meeting with all subcontractors currently working on our contracts. This meeting will be held to inform the subcontractors of our intention to monitor their reports and require meaningful minority representation. This meeting will be held on (Date) and we will summarize the discussions and current posture of each subcontractor for your review by (Date) Additionally, as requested, we will submit a PR-1391 on (Date),(Date), (Date). Finally, we have committed ourselves to maintaining at least 20 percent minority and female representation in each trade during the time we are carrying out the above commitments. We plan to have completely implemented all the provisions of these commitments by(Date).

[41 FR 34245, Aug. 13, 1976]

APPENDIX C TO SUBPART D OF PART 230—SAMPLE SHOW CAUSE RESCISSION

Certified Mail, Return Receipt Requested
Date
Contractor
Address
City, State, and Zip Code

DEAR CONTRACTOR:

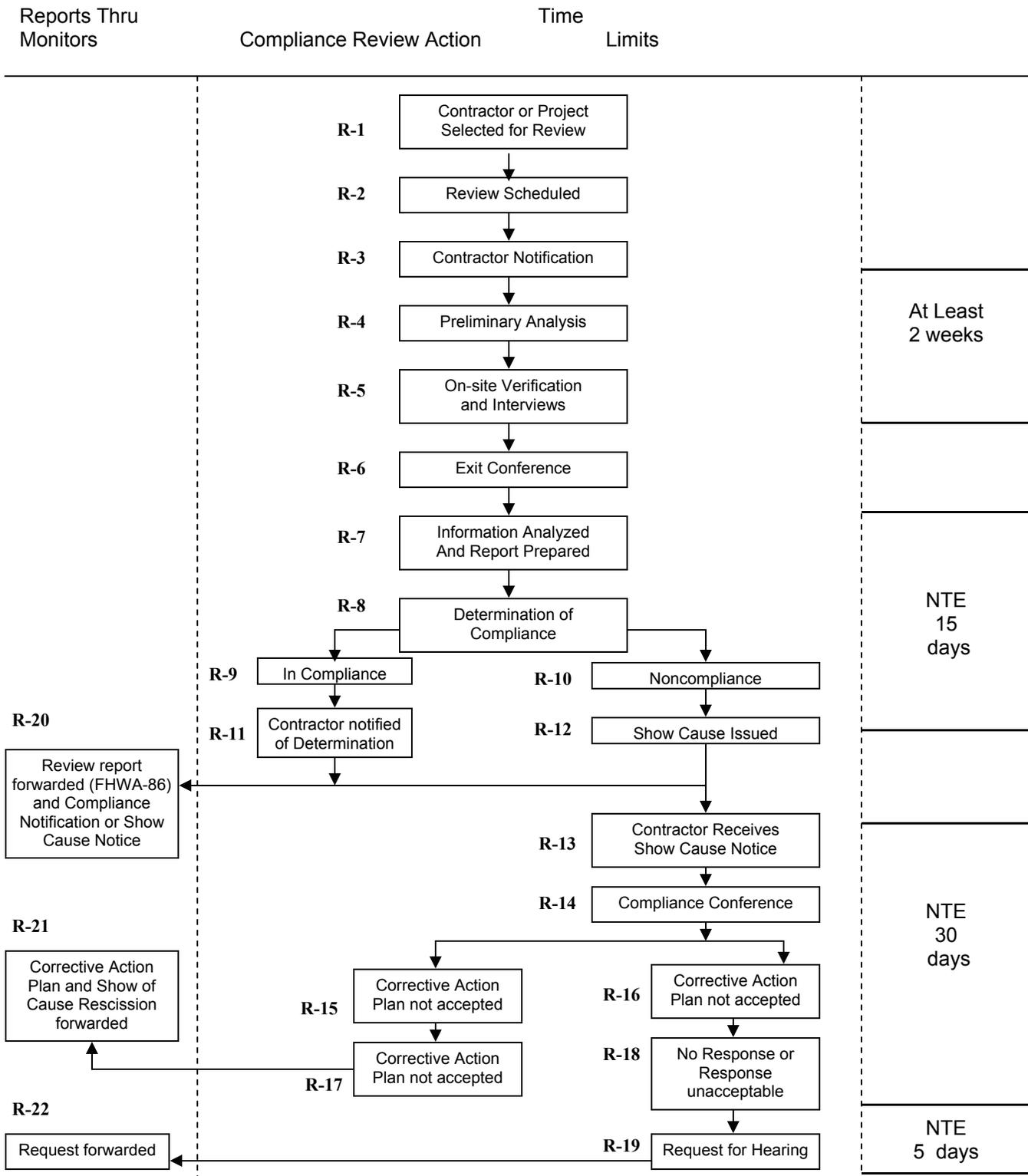
On, (Date) you received a 30-day show cause notice from this office for failing to implement the required contract requirements pertaining to equal employment opportunity.

Your corrective action plan, discussed and submitted at the compliance conference held on(Date), has been reviewed and determined to be acceptable. Your implementation of your corrective action plan shows that you are now taking the required affirmative action and can be considered in compliance with Executive Order 11246, as amended. If it should later be determined that your corrective action plan is not sufficient to achieve compliance, this Rescission shall not preclude a subsequent finding of noncompliance.

In view of the above, this letter is to inform you that the 30-day show cause notice of(Date) is hereby rescinded. You are further advised that if it is found that you have failed to comply with the provisions of your corrective action plan, formal sanction proceedings will be instituted immediately.

Sincerely,

APPENDIX D TO SUBPART D OF PART 230—EQUAL OPPORTUNITY COMPLIANCE REVIEW PROCESS FLOW CHART



23 U.S.C. SECTION 140

23 U.S.C. 140 Nondiscrimination TITLE 23--HIGHWAYS

Sec. 140. Nondiscrimination

- (a) Prior to approving any programs for projects as provided for in subsection (a) of Section 105 [1] of this Title, the Secretary shall require assurances from any State desiring to avail itself of the benefits of this Chapter that employment in connection with proposed projects will be provided without regard to race, color, creed, national origin, or sex. He shall require that each State shall include in the advertised specifications, notification of the specific equal employment opportunity responsibilities of the successful bidder. In approving programs for projects on any of the Federal-aid systems, the Secretary shall, where he considers it necessary to assure equal employment opportunity, require certification by any State desiring to avail itself of the benefits of this Chapter that there are in existence and available on a regional, statewide, or local basis, apprenticeship, skill improvement or other upgrading programs, registered with the Department of Labor or the appropriate State agency, if any, which provide equal opportunity for training and employment without regard to race, color, creed, national origin, or sex. In implementing such programs, a State may reserve training positions for persons who receive welfare assistance from such State; except that the implementation of any such program shall not cause current employees to be displaced or current positions to be supplanted or preclude workers that are participating in an apprenticeship, skill improvement, or other upgrading program registered with the Department of Labor or the appropriate State agency from being referred to, or hired on, projects funded under this Title without regard to the length of time of their participation in such program. The Secretary shall periodically obtain from the Secretary of Labor and the respective State transportation departments information which will enable him to judge compliance with the requirements of this Section and the Secretary of Labor shall render to the Secretary such assistance and information as he shall deem necessary to carry out the equal employment opportunity program required hereunder.
- (b) The Secretary, in cooperation with any other department or agency of the Government, State agency, authority, association, institution, Indian tribal government, corporation (profit or nonprofit), or any other organization or person, is authorized to develop, conduct, and administer highway construction and technology training, including skill improvement programs, and to develop and fund summer transportation institutes. Whenever apportionments are made under Section 104 (b)(3) of this Title, the Secretary shall deduct such sums as he may deem necessary, not to exceed \$2,500,000 for the transition quarter ending September 30, 1976, and not to exceed \$10,000,000 per fiscal year, for the administration of this subsection. Such sums so deducted shall remain available until expended. The provisions of Section 3709 of the Revised Statutes, as amended (41 U.S.C. 5), shall not be applicable to contracts and agreements made under the authority herein granted to the Secretary. Notwithstanding any other provision of law, not to exceed 1/2 of 1 percent of funds apportioned to a State for the surface transportation program under Section 104 (b) and the bridge program under Section 144 may be available to carry out this subsection upon request of the State transportation department to the Secretary.
- (c) The Secretary, in cooperation with any other department or agency of the Government, State agency, authority, association, institution, Indian tribal government, corporation (profit or nonprofit), or any other organization or person, is authorized to develop, conduct, and administer training programs and assistance programs in connection with any program under this Title in order that minority businesses may achieve proficiency to compete, on an equal basis, for contracts and subcontracts. Whenever apportionments are made under subsection [2] 104(b)(3) of this Title, the Secretary shall deduct such sums as he may deem necessary, not to exceed \$10,000,000 per fiscal year, for the administration of this subsection. The provisions of Section 3709 of the Revised Statutes, as amended (41 U.S.C. 5), shall not be applicable to contracts and agreements made under the authority herein granted to the Secretary notwithstanding the provisions of Section 302(e) [1] of the Federal Property and Administrative Services Act of 1949 (41 U.S.C. 252 (e)).

(d) Indian Employment and Contracting.— Consistent with Section 703(i) of the Civil Rights Act of 1964 (42 U.S.C. 2000e–2 (i)), nothing in this Section shall preclude the preferential employment of Indians living on or near a reservation on projects and contracts on Indian reservation roads. States may implement a preference for employment of Indians on projects carried out under this Title near Indian reservations. The Secretary shall cooperate with Indian tribal governments and the States to implement this subsection.

SAFETEA-LU

Public Law 109-59, 119 Stat. 1144 (2005) Section 1920 SAFETEA-LU OVERVIEW

On August 10, 2005, the Safe, Accountable, Flexible, Efficient Transportation Equity Act: A Legacy for Users (SAFETEA-LU) was signed into law. With guaranteed funding for highways, highway safety, and public transportation totaling \$244.1 billion, SAFETEA-LU represents the largest surface transportation investment in our Nation's history. SAFETEA-LU builds on the firm foundations of TEA-21¹ by supplying the funds and refining the programmatic framework for investments needed to maintain and grow our vital transportation infrastructure. SAFETEA-LU promotes more efficient and effective Federal surface transportation programs by focusing on transportation issues of national significance, while giving State and local transportation decisionmakers more flexibility for solving transportation problems in their communities.

SEC. 1920. TRANSPORTATION AND LOCAL WORKFORCE INVESTMENT.

(a) FINDINGS.—Congress finds the following:

- (1) Federal-aid highway programs provide State and local governments and other recipients substantial funds for projects that produce significant employment and job-training opportunities.
- (2) Every \$1,000,000,000 in Federal infrastructure investment creates an estimated 47,500 jobs.
- (3) Jobs in transportation construction, including apprenticeship positions, typically pay more than twice the minimum wage, and include health and other benefits.
- (4) Transportation projects provide the impetus for job training and employment opportunities for low income individuals residing in the area in which a transportation project is planned.
- (5) Transportation projects can offer young people, particularly those who are economically disadvantaged, the opportunity to gain productive employment.
- (6) The Alameda Corridor, a \$2,400,000,000 transportation project, is an example of a transportation project that included a local hiring provision resulting in a full 30 percent of the project jobs being filled by locally hired and trained men and women.

(b) SENSE OF CONGRESS.—It is the sense of Congress that Federal transportation projects should facilitate and encourage the collaboration between interested persons, including Federal, State, and local governments, community colleges, apprentice programs, local high schools, and other community-based organizations that have an interest in improving the job skills of low-income individuals, to help leverage scarce training and community resources and to help ensure local participation in the building of transportation projects.

¹ Section 1208 of the Transportation Equity Act for the 21st Century, Pub. L. No. 105-178, 112 Stat. 186 (1998). The Transportation Equity Act for the 21st Century (TEA-21) was enacted on June 9, 1998, P.L. 105-178, as the succeeding legislation to the Intermodal Surface Transportation Efficiency Act (ISTEA: Public Law 102-240) and authorizes the Federal surface transportation programs for highways, highway safety, and transit. TEA-21 was amended by the TEA-21 Restoration Act (PL 105-206) and was reauthorized for the period covering 2005-2009. TEA-21 was the largest public works bill in history, authorizing (making available) nearly \$218 billion in Federal funding for highway, highway safety and other programs over six years.

SAFETEA-LU's effect on TEA-21²

TEA-21 allowed the states to use up to ½ of 1 percent of Surface Transportation Program funds for employee training and included a 20 percent State matching requirement. The SAFETEA-LU provisions allow States to use up to 100 percent of such funds for workforce development purposes, extending eligibility for workforce development activities to the five core programs, and do not limit the amount of funding available from each program. The SAFETEA-LU language also expands the types of eligible activities beyond training and education for employees to “pipeline” programs that will help students prepare for transportation careers.

The HCR staff will continue to encourage State DOTs to utilize On-the-Job Training Supportive Services (OJTSS) funds to increase the effectiveness of approved on-the-job training programs conducted in connection with Federal-aid highway construction projects. Accordingly, HCR strongly encourages the Divisions to ensure that States are aware of the provisions in Section 5204(e) of SAFETEA-LU that allow 100 percent Surface Transportation Program (STP) funding for workforce development activities. These workforce development activities cover surface transportation workers, including activities for minorities and women as authorized in 23 USC 140(b). This section addresses services that support and enhance the effectiveness of on-the-job training programs. The HCR will also work with Divisions and DOTs to encourage and fund collaborative efforts that promote local participation in transportation projects without running afoul of the existing legal restrictions on the use of State, local, or territorial hiring preferences on FHWA funded contracts.

Section 5204 (e)-(f)(1) of SAFETEA-LU Public Law 109-59, 119 Stat. 1794

“Surface Transportation Workforce Development Training and Education”

Section 5204 (e) – (e) Surface Transportation Workforce Development, Training, and Education.

--Section 504 of such Title is further amended by adding at the end the following:

- (e) Surface Transportation Workforce Development, Training, and Education.--
 - (1) Funding.--Subject to project approval by the Secretary, a State may obligate funds apportioned to the State under sections 104(b)(1), 104(b)(2), 104(b)(3), 104(b)(4), and 144(e) for surface transportation workforce development, training, and education, including--
 - (A) tuition and direct educational expenses, excluding salaries, in connection with the education and training of employees of State and local transportation agencies;
 - (B) employee professional development;
 - (C) student internships;
 - (D) university or community college support; and
 - (E) education activities, including outreach, to develop interest and promote participation in surface transportation careers.
 - (2) Federal share.--The Federal share of the cost of activities carried out in accordance with this subsection shall be 100 percent.

² *Id.* TEA-21 changed Federal budget rules such that Federal highway, highway safety and transit programs were guaranteed minimum funding levels of about \$198 billion over six years. Prior to TEA-21, funding for surface transportation programs was one priority among many competing for Federal budget dollars. Under the new budget rules, guaranteed funding amounts for highway and highway safety programs were tied to actual Highway Trust Fund (HTF) Highway Account receipts, to be used for projects eligible for funding under the highway and highway safety portions of TEA-21. Funding for surface transportation programs involved a two step process. Authorizing legislation (such as TEA-21) laid out the program structure for the maximum levels of funding available over a period of several years. However, before funds are actually available, they had to be appropriated (made available for expenditure) by Congress in the annual appropriations process. Because not all of the funding which is authorized (made available) was actually appropriated (provided to the states for expenditure), guaranteed funding was significant.

- (3) Surface transportation workforce development, training, and education defined.--In this subsection, the term 'surface transportation workforce development, training, and education' means activities associated with surface transportation career awareness, student transportation career preparation, and training and professional development for surface transportation workers, including activities for women and minorities.

OVERVIEW

Section 5204 (e) – Surface Transportation Workforce Development Training and Education – This section "provides for 100 percent Federal funding if the core program funds are used for training, education, or workforce development purposes, including 'pipeline'; activities. If used for these purposes, it is not necessary for the State to match the Federal funds."³

The five primary core programs are: Bridge, CMAQ, IM, NHS, and STP. Examples of "pipeline" programs that the core funds could be used to support include, but are not limited to various education and outreach-related activities, such as "student transportation related internships; cooperative education program, university and college support activities..."⁴

Whereas TEA-21 allowed states to draw down up to ½ of 1 percent of Surface Transportation programs and Highway Bridge Replacement and Rehabilitation funds for training, States can now use up to 100 percent of such funds for workforce development purposes.

Under 5204(e) training and development is defined as "activities associated with surface transportation career awareness, student transportation career preparation, and training and professional development for surface transportation workers, including activities for women and minorities". The HCR will work with the FHWA Division Offices to strongly encourage States to take advantage of this provision to help fund OJT supportive services programs.

The following briefly describes the primary purpose of the five core program areas where funds can be used to support training, education, and workforce development:

- **CMAQ** - The Congestion Mitigation and Air Quality Improvement Program (CMAQ) provides funding for projects and programs in air quality non-attainment and maintenance areas for ozone, carbon monoxide (CO), and particulate matter (PM-10, PM-2.5) which reduce transportation related emissions. [23 USC 149(a)]
- **Highway Bridge Program** - The Highway Bridge Program provides funding to enable States to improve the condition of their highway bridges through replacement, rehabilitation, and systematic preventive maintenance.
- **IM** - The Interstate Maintenance (IM) program provides funding for resurfacing, restoring, rehabilitating and reconstructing (4R) most routes on the Interstate System
- **NHS** - National Highway System program provides funding for improvements to rural and urban roads that are part of the National Highway System, including the Interstate System and designated connections to major intermodal terminals. Under certain circumstances, NHS funds may also be used to fund transit improvements in NHS corridors.
- **STP** - The Surface Transportation Program provides flexible funding that may be used by States and localities for projects on any Federal-aid highway, including the NHS, bridge projects on any public road, transit capital projects, and intra-city and intercity bus terminals and facilities

³ See FHWA HCR document dated January 11, 2006 "Guidance for Use of Federal Aid State Core Program Funds for Training, Education and Workforce Development, SAFETEA-LU Section 5204(e), Questions and Answers," issued by the Office of Professional and Corporate Development.

⁴ *Id.*

Section 5204 (f) Transportation <<NOTE: Grants.>> Education Development Pilot Program.--

- (f) Transportation <<NOTE: Grants.>> Education Development Pilot Program --
 - (1) Establishment.--The Secretary shall establish a program to make grants to institutions of higher education that, in partnership with industry or State departments of transportation, will develop, test, and revise new curricula and education programs to train individuals at all levels of the transportation workforce.
 - (2) Selection of grant recipients.--In selecting applications for awards under this subsection, the Secretary shall consider--
 - (A) the degree to which the new curricula or education program meets the specific needs of a segment of the transportation industry, States, or regions;
 - (B) providing for practical experience and on-the-job training;
 - (C) proposals oriented toward practitioners in the field rather than the support and growth of the research community;
 - (D) the degree to which the new curricula or program will provide training in areas other than engineering, such as business administration, economics, information technology, environmental science, and law;
 - (E) programs or curricula in nontraditional departments that train professionals for work in the transportation field, such as materials, information technology, environmental science, urban planning, and industrial technology; and
 - (F) the commitment of industry or a State's department of transportation to the program.
 - (3) Limitations.--The amount of a grant under this subsection shall not exceed \$300,000 per year. After a recipient has received 3 years of Federal funding under this subsection, Federal funding may equal not more than 75 percent of a grantee's program costs."
- (f) Funding.--
 - (1) In general.--Of the amounts made available by section 5101(a)(2) of this Act, \$1,875,000 for each of fiscal years 2006 through 2009 shall be available to carry out section 504(f) of such title.
 - (2) Federal share.--The Federal share of the cost of activities carried out in accordance with Section 504(f) of such title shall be 100 percent.

OVERVIEW

Section 5204(f)(1) – Training and Education/Transportation Education Development Pilot Program: This section establishes a pilot program that provides grants of \$300,000 to institutions of higher education that, in partnership with industry or State departments of transportation, will develop, test, and revise new curricula and education programs. The new curricula or program should provide training in areas other than engineering, such as business administration, economics, environmental science, urban planning, law, etc. These education programs will be designed to train individuals at all levels of the transportation workforce. The HCR will work with all appropriate parties to conduct outreach activities to ensure that Minority Institutions of Higher Education are informed of these opportunities, and of the criteria and process to participate as grant recipients.

EXECUTIVE ORDERS

• **Executive Order 13216**

Increasing Opportunity and Improving Quality of Life of Asian Americans and Pacific Islanders

*Provides for increasing opportunities and improving the quality of life
for Asian Americans and Pacific Islanders*

• **Executive Order 13230**

President's Advisory Commission on Educational Excellence for Hispanic Americans

*Provides for increasing opportunities for Hispanic Americans participation in
and benefit from Federal educational programs and to enhance the capacity
of Hispanic Serving Institutions (HSI) to educate the Latino community.*

• **Executive Order 13256**

President's Board of Advisors on Historically Black Colleges and Universities (HBCU)

*Provides for a structured effort to help HBCUs access to Federally-funded programs,
to strengthen the capacity of HBCUs to provide quality education, to increase
the participation of HBCUs in Federal programs and activities and to set annual procurement
goals for awarding grants, contracts, and co-op agreements.*

• **Executive Order 13270**

Tribal Colleges and Universities (TCUs)

*Ensures that TCUs are fully recognized and establishes a mechanism
for increasing TCUs access to Federal resources.*

In addition, these EOs require Federal departments and agencies to submit the following:

- Annual planned and performance reports to the Secretary of Education containing data on its plans/ accomplishments to increase the participation of MIHE in Federally sponsored programs.
- Data on all outreach efforts directed towards the Hispanic, Native American and Alaska Native communities, i.e., promoting and encouraging the development of language, culture, and traditions, and educational efforts directed toward early childhood development, elementary, and secondary students.

EXECUTIVE ORDER 13216

THE WHITE HOUSE

Office of the Press Secretary

**For Immediate Release
June 6, 2001**

EXECUTIVE ORDER 13216

**AMENDMENT TO EXECUTIVE ORDER 13125,
INCREASING PARTICIPATION OF ASIAN AMERICANS AND
PACIFIC ISLANDERS IN FEDERAL PROGRAMS**

By the authority vested in me as President by the Constitution and the laws of the United States of America and in order to change the title of Executive Order 13125 of June 7, 1999, and to extend by 2 years the President's Advisory Commission on Asian Americans and Pacific Islanders that was created by Executive Order 13125, it is hereby ordered as follows:

Section 1. The title of Executive Order 13125 is deleted and the following title is inserted in lieu thereof: "Increasing Opportunity and Improving Quality of Life of Asian Americans and Pacific Islanders."

Sec. 2. Section 9 of Executive Order 13125 is amended by deleting "2 years after the date of this Executive order unless the Commission is renewed by the President prior to the end of that 2-year period" and inserting in lieu thereof "on June 7, 2003, unless renewed by the President prior to that date."

**GEORGE W. BUSH
THE WHITE HOUSE
June 6, 2001**

EXECUTIVE ORDER 13230

THE WHITE HOUSE

Office of the Press Secretary

**For Immediate Release
October 12, 2001**

Executive Order 13230

**PRESIDENT'S ADVISORY COMMISSION ON
EDUCATIONAL EXCELLENCE FOR HISPANIC AMERICANS**

By the authority vested in me as President by the Constitution and the laws of the United States of America, and in order to advance the development of human potential, strengthen the Nation's capacity to provide high-quality education, and increase opportunities for Hispanic Americans to participate in and benefit from Federal education programs, it is hereby ordered as follows:

Section 1. There is established, in the Department of Education, the President's Advisory Commission on Educational Excellence for Hispanic Americans (Commission). The Commission shall consist of not more than 25 members. Twenty-one of the members shall be appointed by the President. Those members shall be representatives of educational, business, professional, and community organizations who are committed to improving educational attainment within the Hispanic community, as well as other persons deemed appropriate by the President. The President shall designate two of the appointed members to serve as Co-Chairs of the Commission. The other four members of the Commission shall be ex officio members, one each from the Department of Education, the Department of Housing and Urban Development, the Department of the Treasury, and the Small Business Administration. The ex officio members shall be the respective Secretaries of those agencies and the Administrator of the Small Business Administration, or their designees.

Section 2. The Commission shall provide advice to the Secretary of Education ("Secretary") and shall issue reports to the President, as described in section 7 below, concerning:

- a. the progress of Hispanic Americans in closing the academic achievement gap and attaining the goals established by the President's "No Child Left Behind" educational blueprint;
- b. the development, monitoring, and coordination of Federal efforts to promote high-quality education for Hispanic Americans;
- c. ways to increase parental, State and local, private sector, and community involvement in improving education; and
- d. ways to maximize the effectiveness of Federal education initiatives within the Hispanic community.

Section 3. There is established, in the Department of Education, an office called the White House Initiative on Educational Excellence for Hispanic Americans (Initiative). The Initiative shall be located at, staffed, and supported by the Department of Education, and headed by a Director, who shall be a senior level executive branch official who reports to the Secretary. The Initiative shall provide the necessary staff, resources, and assistance to the Commission and shall assist and advise the Secretary in carrying out his responsibilities under this order. The staff of the Initiative shall gather and disseminate information relating to the educational achievement gap of Hispanic Americans, using a variety of means, including conducting surveys, conferences, field hearings, and meetings, and other appropriate vehicles designed to encourage the participation of organizations and individuals interested in such issues, including parents, community leaders, academicians, business leaders, teachers, employers, employees and public officials at the local, State, and Federal levels. To the extent permitted by law, executive branch departments and agencies shall cooperate in providing resources, including personnel detailed to the Initiative, to meet the objectives of this order. The Initiative shall include both career civil service and appointed staff with expertise in the area of education.

Section 4. Executive branch departments and agencies, to the extent permitted by law and practicable, shall provide any appropriate information requested by the Commission or the staff of the Initiative, including data relating to the eligibility for and participation by Hispanic Americans in Federal education programs and the progress of Hispanic Americans in closing the academic achievement gap and in achieving the goals of the President's "No Child Left Behind" education blueprint. Where adequate data are not available, the Commission shall suggest the means for collecting the data. In accordance with the accountability goals established by the President, executive branch departments and agencies involved in relevant programs shall report to the President through the Initiative by September 30, 2002, on:

- a. efforts to increase participation of Hispanic Americans in Federal education programs and services;
- b. efforts to include Hispanic-serving school districts, Hispanic-serving institutions, and other educational institutions for Hispanic Americans in Federal education programs and services;
- c. levels of participation attained by Hispanic Americans in Federal education programs and services; and
- d. the measurable impact resulting from these efforts and levels of participation. The Department of Education's report also shall describe the overall condition of Hispanic American education and such other aspects of the educational status of Hispanic Americans, as the Secretary considers appropriate.

Section 5. Insofar as the Federal Advisory Committee Act, as amended (5 U.S.C. App), may apply to the Commission, any functions of the President under that Act, except that of reporting to the Congress, shall be performed by the Department of Education in accordance with the guidelines that have been issued by the Administrator of General Services.

Section 6. (a) Members of the Commission shall serve without compensation, but shall be allowed travel expenses, including per diem in lieu of subsistence, as authorized by law for persons serving intermittently in the Government service (5 U.S.C. 5701-5707).

(b) To the extent permitted by law, the Department of Education shall provide funding and administrative support for the Commission and the Initiative.

Section 7. The Commission shall prepare and submit an interim and final report to the President outlining its findings and recommendations as follows:

- a. The Commission shall submit an Interim Report no later than September 30, 2002. The Interim Report shall describe the Commission's examination of:
 - i. available research and information on the effectiveness of current practices at the local, State, and Federal levels in closing the educational achievement gap for Hispanic Americans and attaining the goals established by the President's "No Child Left Behind" educational blueprint;

- ii. available research and information on the effectiveness of current practices involving Hispanic parents in the education of their children; and
 - iii. the appropriate role of Federal agencies' education programs in helping Hispanic parents successfully prepare their children to graduate from high school and attend post secondary institutions.
- b. The Commission shall issue a Final Report no later than March 31, 2003. The Final Report shall set forth the Commission's recommendations regarding:
- i. a multi-year plan, based on the data collected concerning identification of barriers to and successful models for closing the educational achievement gap for Hispanic Americans, that provides for a coordinated effort among parents, community leaders, business leaders, educators, and public officials at the local, State, and Federal levels to close the educational achievement gap for Hispanic Americans and ensure attainment of the goals established by the President's "No Child Left Behind" educational blueprint.
 - ii. the development of a monitoring system that measures and holds executive branch departments and agencies accountable for the coordination of Federal efforts among the designated executive departments and agencies to ensure the participation of Hispanic Americans in Federal education programs and promote high-quality education for Hispanic Americans;
 - iii. the identification of successful methods employed throughout the Nation in increasing parental, State and local, private sector, and community involvement in improving education for Hispanic Americans;
 - iv. ways to improve on and measure the effectiveness of Federal agencies' education programs in ensuring that Hispanic Americans close the educational achievement gap and attain the goals established by the President's "No Child Left Behind" educational blueprint; and
 - v. how Federal Government education programs can best be applied to ensure Hispanic parents successfully prepare their children to attend post secondary institutions.

Section 8. The Commission shall terminate 30 days after submitting its final report, unless extended by the President.

Section 9. Executive Order 12900 of February 22, 1994, as amended, is revoked.

GEORGE W. BUSH
THE WHITE HOUSE
October 12, 2001

EXECUTIVE ORDER 13256

THE WHITE HOUSE

Office of the Press Secretary

For Immediate Release
February 12, 2002

EXECUTIVE ORDER 13256

Advisors for Historically Black Colleges and Universities

Executive Order

President's Board of Advisors on Historically Black Colleges and Universities

By the authority vested in me as President by the Constitution and the laws of the United States of America, in order to advance the development of the Nation's full human potential and to advance equal opportunity in higher education, to strengthen the capacity of historically black colleges and universities to provide the highest quality education, and to increase opportunities for these institutions to participate in and benefit from Federal programs, as do other colleges and universities, it is hereby ordered as follows:

Section 1. There is established, in the Office of the Secretary of Education, a Presidential advisory committee entitled the "President's Board of Advisors on Historically Black Colleges and Universities" (Board). The Board shall prepare and issue an annual report to the President on the results of the participation of historically black colleges and universities in Federal programs. The Board also shall provide advice to the President and to the Secretary of Education (Secretary) regarding the needs of historically black colleges and universities in the areas of infrastructure, academic programs, and faculty and institutional development. In the annual report to the President, the Board shall make recommendations on how to increase the private sector role, including the role of private foundations, in strengthening historically black colleges and universities. Particular emphasis should also be given in the report to enhancing institutional planning and development, strengthening fiscal stability and financial management, and improving institutional infrastructure, including the use of technology, to ensure the long-term viability and enhancement of these institutions.

Sec. 2. The Board shall be appointed by the President. The Board membership shall include sitting presidents of historically black colleges and universities, representatives of other higher education institutions, business and financial leaders, representatives of private foundations, and secondary school administrators. The President shall designate a Chair or Co-Chairs from among the members.

Sec. 3. The White House Initiative on Historically Black Colleges and Universities (Initiative), located in the Office of the Secretary of Education, shall: (1) provide staff, resources, and assistance to the Board; (2) assist the Secretary in performing the liaison function between the executive branch and historically black colleges and universities; and (3) serve the Secretary in carrying out the responsibilities described in section 6 of this order.

Sec. 4. To carry out this order, each executive department and agency identified by the Secretary may, consistent with applicable law and regulations, enter into appropriate grants, contracts, or cooperative agreements with historically black colleges and universities. The head of each department or agency so identified shall establish an annual plan that will establish clear goals for how the department or agency intends to increase the capacity of historically black colleges and universities to compete effectively for grants, contracts, or cooperative agreements and to encourage historically black colleges and universities to participate in Federal programs. The department's or agency's annual goal should be clearly reflected in the department's or agency's annual budget submission to the Office of Management and Budget. To facilitate the attainment of these goals, the head of

each department or agency identified by the Secretary shall provide, as appropriate, technical assistance and information to historically black colleges and universities regarding the program activities of the department or agency and the preparation of applications or proposals for grants, contracts, or cooperative agreements.

Sec. 5. Each executive department and agency identified by the Secretary shall appoint a senior official, who is a full-time officer of the Federal Government, to report directly to the department or agency head with respect to department or agency activity under this order, and to serve as liaison to the Board and to the Initiative. To the extent permitted by law and regulations, each executive department and agency identified by the Secretary shall provide appropriate information requested by the Board and staff pursuant to the order.

Sec. 6. Each executive department and agency identified by the Secretary shall develop an annual plan for, and shall document the agency's effort in, increasing the capacity of historically black colleges and universities to participate in Federal programs. Each department's and agency's plan shall describe new or existing department and agency programs and measurable objectives for proposed department and agency actions, in connection with those programs, to achieve the purposes of this order. These plans shall be submitted at such time and in such form as the Secretary shall require. In consultation with the participating departments and agencies, the Secretary shall review the plans and develop, with the advice of the Board, an integrated Annual Federal Plan for Assistance to Historically Black Colleges and Universities for submission to the President. The Secretary shall provide the president of each historically black college and university with a copy of, and an opportunity to comment on, the proposed Annual Federal Plan prior to its submission to the President. Each participating department and agency shall submit to the Secretary an Annual Performance Report that shall measure each department's and agency's performance against the objectives set forth in the department's or agency's annual plan. The Secretary shall be responsible for monitoring compliance with the Annual Federal Plan after it is approved by the President.

Sec. 7. In developing its annual plan, each executive department and agency identified by the Secretary shall emphasize programs and activities that develop the capacity of historically black colleges and universities to contribute to the development of human capital and to strengthen America's economic and technological base through: (1) infrastructure development and acquisitions for instruction and research; (2) student and faculty doctoral fellowships and faculty development; (3) domestic and international faculty and student exchanges and study-abroad opportunities; (4) undergraduate and graduate student internships; and (5) summer, part-time, and permanent employment opportunities.

Sec. 8. Each year, the Board shall report to the President on the progress achieved in enhancing the capacity of historically black colleges and universities to serve their students, including findings and recommendations for individual departments and agencies in connection with their Annual Performance Reports, as described in section 6 of this order.

Sec. 9. The Board, in consultation with the Department of Education and other executive departments and agencies, shall develop a Private Sector Strategy to assist historically black colleges and universities in: (1) increasing voluntary private-sector contributions to support the enhancement of endowments and the overall financial stability of such institutions; (2) improving and enhancing the quality and number of private-sector partnerships focused on academic program development, student achievement and faculty development, cooperative research and development projects, and faculty exchanges; and (3) improving information management, and facilities, and strengthening academic course offerings.

Sec. 10. (a) The provisions in this Executive Order shall be implemented to the fullest extent permitted by law.

(b) The Department of Education shall provide funding and administrative support for the Board and the Initiative.

(c) Members of the Board shall serve without compensation, but shall be reimbursed for all travel expenses, including per diem in lieu of subsistence, as authorized by law;

(d) Insofar as the Federal Advisory Committee Act, as amended, may apply to the Board, any functions of the President under that Act, except for those in section 6 of that Act, shall be performed by the Department of Education, in accordance with the guidelines that have been issued by the Administrator of General Services.

Sec. 11. Executive Order 12876 of November 1, 1993, as amended, is hereby revoked.

GEORGE W. BUSH
THE WHITE HOUSE,
February 12, 2002.

EXECUTIVE ORDER 13270

THE WHITE HOUSE

Office of the Press Secretary

For Immediate Release
July 3, 2002

EXECUTIVE ORDER 13270

TRIBAL COLLEGES AND UNIVERSITIES

By the authority vested in me as President by the Constitution and the laws of the United States of America, it is hereby ordered as follows:

Section 1. Policy. There is a unique relationship between the United States and Indian tribes, and a special relationship between the United States and Alaska Native entities. It is the policy of the Federal Government that this Nation's commitment to educational excellence and opportunity must extend as well to the tribal colleges and universities (tribal colleges) that serve Indian tribes and Alaska Native entities. The President's Board of Advisors on Tribal Colleges and Universities (the "Board") and the White House Initiative on Tribal Colleges and Universities (WHITCU) established by this order shall ensure that this national policy regarding tribal colleges is carried out with direct accountability at the highest levels of the Federal Government.

Tribal colleges are both integral and essential to their communities. Often they are the only postsecondary institutions within some of our Nation's poorest rural areas. They fulfill a vital role: in maintaining and preserving irreplaceable languages and cultural traditions; in offering a high-quality college education to younger students; and in providing job training and other career-building programs to adults and senior citizens. Tribal colleges provide crucial services in communities that continue to suffer high rates of unemployment and the resulting social and economic distress.

The Federal Government's commitment to tribal colleges is reaffirmed and the private sector can and should contribute to the colleges' educational and cultural missions.

Finally, postsecondary institutions can play a vital role in promoting excellence in early childhood, elementary, and secondary education. The Federal Government will therefore work to implement the innovations and reforms of the No Child Left Behind Act of 2001 (Public Law 107-110) in partnership with tribal colleges and their American Indian and Alaska Native communities.

Section 2. Definition of Tribal Colleges and Universities. Tribal colleges are those institutions cited in section 532 of the Equity in Educational Land-Grant Status Act of 1994 (7 U.S.C. 301 note), any other institution that qualifies for funding under the Tribally Controlled Community College Assistance Act of 1978 (25 U.S.C. 1801 et seq.), and Diné College, authorized in the Navajo Community College Assistance Act of 1978, Public Law 95-471, title II (25 U.S.C. 640a note).

Section 3. Board of Advisors. (a) Establishment. There shall be established in the Department of Education a Presidential advisory committee entitled the President's Board of Advisors on Tribal Colleges and Universities (the "Board").

(b) Membership. The Board shall consist of not more than 15 members who shall be appointed by the President, one of whom shall be designated by the President as Chair. The Board shall include representatives of tribal colleges and may also include representatives of the higher, early childhood, elementary, and secondary education communities; tribal officials; health, business, and financial institutions; private foundations; and such other persons as the President deems appropriate.

(c) Functions. The Board shall provide advice regarding the progress made by Federal agencies toward fulfilling the purposes and objectives of this order. The Board also shall provide recommendations to the President, through the Secretary of Education (Secretary), on ways the Federal Government can help tribal colleges:

- (1) use long-term development, endowment building, and planning to strengthen institutional viability;
- (2) improve financial management and security, obtain private-sector funding support, and expand and complement Federal education initiatives;
- (3) develop institutional capacity through the use of new and emerging technologies offered by both the Federal and private sectors;
- (4) enhance physical infrastructure to facilitate more efficient operation and effective recruitment and retention of students and faculty; and
- (5) help implement the No Child Left Behind Act of 2001 and meet other high standards of educational achievement.

(d) Meetings. The Board shall meet at least annually, at the request of the Secretary, to provide advice and consultation on tribal colleges and relevant Federal and private-sector activities, and to transmit reports and present recommendations.

Section 4. White House Initiative on Tribal Colleges and Universities. There shall be established in the Department of Education, Office of the Secretary, the White House Initiative on Tribal Colleges and Universities (WHITCU). The WHITCU shall:

- (a) provide the staff support for the Board;
- (b) assist the Secretary in the role of liaison between the executive branch and tribal colleges; and
- (c) serve the Secretary in carrying out the Secretary's responsibilities under this order.

Section 5. Department and Agency Participation. Each participating executive department and agency (agency), as determined by the Secretary, shall appoint a senior official who is a full-time officer of the Federal Government and who is responsible for management or program administration. The official shall report directly to the agency head, or to the agency head's designee, on agency activity under this order and serve as liaison to the WHITCU. To the extent permitted by law and regulation, each agency shall provide appropriate information as requested by the WHITCU staff pursuant to this order.

Section 6. Three-Year Federal Plan.

(a) Content. Each agency identified by the Secretary shall develop and implement a Three-Year Plan of the agency's efforts to fulfill the purposes of this order. These Three-Year Plans shall include annual performance indicators and appropriate measurable objectives for the agency. Among other relevant issues, the plans shall address how the agency intends to increase the capacity of tribal colleges to compete effectively for any available grants, contracts, cooperative agreements, and any other Federal resources, and to encourage tribal colleges to participate in Federal programs. The plans also may emphasize access to high-quality educational opportunities for economically disadvantaged Indian students, consistent with requirements of the No Child Left Behind Act of 2001; the preservation and revitalization of tribal languages and cultural traditions; and innovative approaches to better link tribal colleges with early childhood, elementary, and secondary education programs.

The agency's performance indicators and objectives should be clearly reflected in the agency's annual budget submission to the Office of Management and Budget. To facilitate the attainment of these performance indicators and objectives, the head of each agency identified by the Secretary, shall provide, as appropriate, technical assistance and information to tribal colleges regarding the program activities of the agency and the preparation of applications or proposals for grants, contracts, or cooperative agreements.

(b) Submission. Each agency shall submit its Three-Year Plan to the WHITCU. In consultation with the Board, the WHITCU shall then review these Three-Year Plans and develop an integrated Three-Year Plan for Assistance to Tribal Colleges, which the Secretary shall review and submit to the President. Agencies may revise their Three-Year Plans within the three-year period.

(c) Annual Performance Reports. Each agency shall submit to the WHITCU an Annual Performance Report that measures the agency's performance against the objectives set forth in its Three-Year Plan. In consultation with the Board, the WHITCU shall review and combine Annual Performance Reports into one annual report, which shall be submitted to the Secretary for review, in consultation with the Office of Management and Budget.

Section 7. Private Sector.

In cooperation with the Board, the WHITCU shall encourage the private sector to assist tribal colleges through increased use of such strategies as:

(a) matching funds to support increased endowments;

(b) developing expertise and more effective ways to manage finances, improve information systems, build facilities, and improve course offerings; and

(c) increasing resources for and training of faculty.

Section 8. Termination.

The Board shall terminate 2 years after the date of this order unless the Board is renewed by the President prior to the end of that 2-year period.

Section 9. Administration.

(a) Compensation. Members of the Board shall serve without compensation, but shall be allowed travel expenses, including per diem in lieu of subsistence, as authorized by law for persons serving intermittently in Government service (5 U.S.C. 5701-5707).

(b) Funding. The Board and the WHITCU shall be funded by the Department of Education.

(c) Administrative Support. The Department of Education shall provide appropriate administrative services and staff support for the Board and the WHITCU. With the consent of the Department of Education, other agencies participating in the WHITCU shall provide administrative support (including detailees) to the WHITCU consistent with statutory authority. The Board and the WHITCU each shall have a staff and shall be supported at appropriate levels commensurate with that of similar White House Initiative Offices.

(d) General Provisions. Insofar as the Federal Advisory Committee Act, as amended (5 U.S.C. App.) (the "Act"), may apply to the administration of any portion of this order, any functions of the President under the Act, except that of reporting to the Congress, shall be performed by the Secretary of Education in accordance with the guidelines issued by the Administrator of General Services.

Section 10. Revocation. Executive Order 13021 of October 19, 1996, as amended, is revoked.

GEORGE W. BUSH
THE WHITE HOUSE,
July 3, 2002.

**FHWA Publication No.
FHWA-HCR-07-0014**